

Rogue Chancellor bearing up as bank goes under

Rogue was the catchword yesterday. "One rogue trader," we heard, had caused a spectacular City collapse. MPs listened to a Statement describing a rogue operator who was "a single trader". And who might this rogue operator be?

Ken Clarke's chubby, ruddy countenance and cheeky grin, his eternal optimism in the face of apparent ruin, misled some of us into supposing that this Statement was about the Chancellor, rather than by him. A beam-

ing Clarke described how a single chap, operating at arm's length from the organisation of which he was supposed to be part, could spread mayhem where there had been order. A resume, surely, of the Chancellor's own career?

With only a desk, a computer and a telephone, explained our jovial Chancellor, a fellow can now mislead the markets worldwide. Not half, eh Ken?

Maybe Clarke had a certain fellow-feeling with Barings' own rogue operator.



MATTHEW PARRIS

POLITICAL SKETCH

Alone at his desk at Number 11, after all, the Chancellor has wrecked the Prime Minister's careful new line on a single European currency. With only a word-processor and a City lecturer he has rocked sterling. "Unauthorised dealings," said Mr Clarke yesterday, "undetected until too late." One could almost hear the sigh from

Number 10. Our rogue operator, Clarke continued, had "inevitably" caused "some turbulence". We thought of his recent remark that monetary union had no constitutional implications. Unauthorised? Should Government crack down on such operators? Ah well, pleaded the Chancellor, it was important that we refrain from heavy-

handed interference.

"He has now left his desk," said Mr Clarke of Barings' man. We thought of Clarke's desk at the Department of Education, where teachers are still angry. We thought of his desk at the Home Office, left with only the Sheehy Report ticking gently upon it. This Barings fellow is just a novice, he has left only one desk so far!

"I suppose he finds it embarrassing," chorled the

Chancellor, "to describe his responsibility for wrecking an entire 250-year-old banking group". The Conservative Party, we mused, is older yet. "His explanation will indeed be interesting."

Why doesn't Kenneth Clarke wear a bow tie? To observe this Chancellor's irrepressible insouciance as a great bank goes down is to wonder whether there is any event at all which could dent his jollity.

The South Sea bubble? "A necessary correction to over-ambitious trading," The

Great Depression? "These things are cyclical." The Black Death? "A helpful reminder about standards of public sanitation." The San Francisco Earthquake? "A slight rearrangement of the Earth's crust. To have left it any longer could have caused greater damage."

MPs who had arrived under some misapprehension that the financial world was reeling under a massive blow were cheered as much by Mr Clarke's jaunty air as by his words. He took particular pains to thank the Govern-

nor of the Bank of England for working "over the weekend" to find a solution. The Governor immediately abandoned his skiing holiday in Avoriaz without even unpacking his bobble-hat. Was there no limit to Eddie's commitment?

But Clarke saved his best reassurance until last. To troubled backbenchers he explained that all this had happened "on the far side of the world".

One could feel the sense of collective relief. Thank heavens it wasn't in Cleethorpes.

Reputations and self-esteem suffer along with the financial losses of Barings

The men who had been expecting high bonuses

By NEIL BENNETT
DEPUTY BUSINESS EDITOR

BARINGS' senior directors, who earned up to £1.67 million a year, worked together to build the merchant bank into one of the City's most influential institutions.

Some owed their position partly to their membership of the founding family, others were self-made and rose through the bank's hierarchy. Together they worked in a loose affiliation running the bank's three disparate operations.

Although the directors' losses in the crash are limited as Barings was a limited company, the damage to their reputation and self-esteem is immense. Any deposits they held in the bank have been frozen and they can also write off millions of pounds in bonuses they were due to receive in the next two weeks after Barings' record profits in 1994.

Barings was chaired by Peter Baring, 60, who has generations of banking in his blood. He was groomed to run the bank, joining it when he was 24. Then it was still a relatively modest operation concentrating on trade finance. He became a director in 1967.

Mr Baring was born into wealth, although the bank increased it considerably. In 1993, the last year on record, he earned £1.2 million including a £1 million bonus. He had been expected to receive an even higher bonus for 1994 until Sunday night's crash.

Although Peter Baring sat at the head of the boardroom table, the man with the greatest executive power was Andrew Tuckey, the deputy chairman. His presence at the



Tuckey: all-pervading presence at the bank

bank was all-pervading since he was also head of Baring Brothers, the merchant banking subsidiary and head of the powerful corporate finance team that advised such blue-chip companies as Lloyds Bank and Wellcome. He was expected to succeed Mr Baring as chairman in two years' time.

In contrast to the chairman, Mr Tuckey, 52, is a City outsider. He was born in and

THE DIRECTORS

school in Southern Rhodesia, qualifying as an accountant and joining BAT, the international tobacco group. He joined Barings in 1968 and quickly demonstrated his skill as a merchant banker, becoming a director in 1973.

Mr Tuckey played a leading role in the attempt to rescue Barings last weekend and is working closely with the administrators to sell off the bank's operations.

Mr Tuckey's success ensured that he was even better

rewarded than his chairman. In 1993 he is believed to have earned £1.67 million. He uses his wealth to pursue his passion for opera, as a director of the Royal Opera House and treasurer of the Friends of Covent Garden.

Barings' other deputy chairman was Michael Miles, who joined the bank full-time last year. He joined the bank from Swire, the Hong Kong trading group, and travelled the Far East improving the bank's relations with the local authorities.

Below these three men were three other powerful figures who ran Barings' other main operations. John Bolsover was the chief executive of Barings Asset Management, with pensions and savings worth more than £30 billion under his control. He joined the bank from Henderson, a rival firm, in the early 1980s.

Peter Norris was chief executive of Barings Securities and the ultimate boss of the trader Nick Leeson in Singapore. The securities arm was the infant of the banking group. It had grown rapidly under the control of Christopher Heath in the 1980s, making a fortune on trading warrants in Japan.

"It was a law unto itself," an observer said yesterday. Mr Norris, who joined as a graduate trainee, was brought in to run the securities arm in 1992 after it made heavy losses to bring it closer to the main bank.

Mr Norris was a rising star in Barings and was to have become chief executive of a merged investment banking group in a reorganisation that cannot now go ahead.

Other senior Barings' figures include Miles Rivett-Vernac, the chairman of the Securities division, and John Dare, the head of the venture capital and property arm. Barings was considered too risky a bank for councils by Integer, the leading organisation advising local authorities on investment policy. Consequently, only a handful of councils had placed any money with the bank and none of them has confirmed a substantial loss.

The pension fund of Hampshire County Council, however, may prove to be a big loser as it had £15 million uninvested cash on deposit with the bank.

Inquiry announced



The Ernst & Young administrators taking questions yesterday: Alan Bloom, left, and Nigel Hamilton, who both worked on Olympia & York's £1.5 billion Canary Wharf failure in London Docklands, and Maggie Mills

'No way out of this fine mess'

By JOE JOSEPH

EDDIE GEORGE and Rupert Pennant-Rea - Governor and Deputy of the Bank of England, one short and plump, the other tall and skinny - looked yesterday like the Laurel and Hardy of the financial world.

Their task was to explain to the financial press how it was Barings Bank that had got itself into such a fine mess.

George was remarkably affable in the circumstances. He had been expected to spend yesterday skiing with his family, coursing down a gentle slope. Instead, he was slomping through a financial blizzard, straight down a black run. When Barings discovered the disaster in Singapore last week, they contacted Pennant-Rea.

"They would have talked to me," George recalled wistfully. "But unfortunately I wasn't there. I was in Avoriaz, on a skiing holiday." He reached his chalet to be told that London had been calling. "I had to get a cab from Avoriaz to Geneva and then a stand-by flight home. I got home at about 10.30 on Friday night. My family, happily for them, are still there."

Even after spending all week-end on the telephone, George and Pennant-Rea could not find anyone to take on Barings' losses and debts. Which is pretty much what the two men had expected all along. After all, said George, it would have been "like pouring money in to a black hole".

The other loose end in the story line is the fate of the fugitive Barings trader, Nick Leeson. What will happen to Leeson, someone asked, when you find him? "You're making a big assumption," George giggled, adding: "I don't know... Frankly, we just don't know why he behaved in the way he did."

Did he just go berserk? "The world is a very surprising place," George said. "It's possible." Maybe next season, the slopes will prove less slippery.

Charities helping arts and the homeless lose millions in handouts

By ALEXANDRA FREAN, MEDIA CORRESPONDENT

HUNDREDS of arts, educational, health and social welfare charities stand to lose millions of pounds in grants after the collapse of Barings.

The Baring Foundation, the charitable organisation which owns all of the ordinary non-voting shares in the bank and which gives more than £16 million a year to the voluntary sector, said yesterday that its regular income had been slashed from about £13 million a year to £2 million as a result of the crisis.

David Carrington, director of the foundation, said yesterday that he was devastated about the events of the past few days. "I would like to reassure all those charities expecting money from us that we will honour all of our existing commitments and that all grants pledged will be paid in full, including those which we had promised to spread over the next three years or so," he said.

Mr Carrington added, however, that no further applications for grants would be considered for the time being. Mr Carrington said that the foundation's own assets were managed by Barings' fund management arm, whose funds had been ring-fenced from the company's banking operations. "I have been talking to Barings fund management and I am sure that this money is safe," he said.

Stuart Etherington, chief executive of the National Council for Voluntary Organisations, which represents more than 1,650 charitable and voluntary bodies, said he was "extremely saddened" by

the foundation's plight. "This is a huge loss to the voluntary sector. It is paradoxical, given that the bank has been brought down by an apparent lack of openness, that the foundation led the way in openness in the charitable sector, making its criteria and workings open and serving as the very model of a charitable trust."

A spokeswoman for the English National Opera, which last week announced

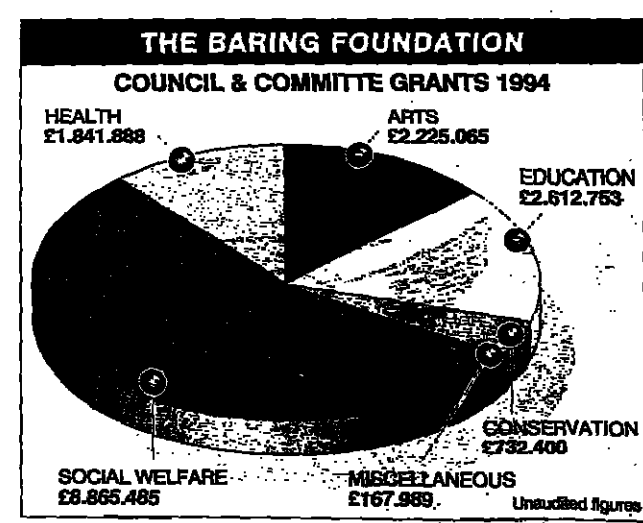
FOUNDATION

£80,000 of sponsorship from the foundation towards its Operazingers campaign to fund new singers, said: "With business sponsorship declining, sponsorship such as this is extremely valuable. The foundation's attitude has clearly been very enlightened and what has happened is an

enormous shame." The Baring Foundation's single largest payment last year was £380,000 to the Housing Association's Charitable Trust, which helps house the homeless. Vivien Knibbs, the trust's director, said the foundation provided a quarter of its annual income in 1994. "We are very sad about this. The Baring Foundation funded us in a very imaginative and innovative way," she said.

Luke Rittner, of the London Academy of Music and Dramatic Art, which received a £45,000 grant last year towards the construction of a teaching and performance block, said: "The foundation has been an extremely important lifeline to many arts organisations over the years and I would have thought that a lot of these are now going to be seriously concerned."

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Valuable works could be sold

ONE of the most valuable corporate art collections in Britain is threatened by the collapse of Barings.

Company executives feared last night that the collection, which includes a Gainsborough, may be sold or broken up. Dr Mark Archer, curator of the picture collection at Barings Assets Management, said: "The collection is priceless. It is one of the finest in the country. I hope it can be kept together by the new owners."

ART COLLECTION

It's awful to think it may have to go. The paintings include several English Old Masters. Among the most prized exhibits are a Gainsborough and works by Colman, Boys and Palmer. There is a strong emphasis on 18th and 19th century English watercolours. During the 1960s there was a big expansion of the collection when works by Lucian Freud were acquired. Since 1989, 60 paintings have been added to the collection. The company buys four or five major canvases a year but purchases have been halted.

Some of the masterpieces are on permanent loan to the bank from members of the family. "Ownership is complicated by the fact that the family owns some, the trust owns some and the bank some," Dr Archer said.

Martin Bateman, in charge of the computers in Barings' dealing room, was fed up but philosophical. Did he think he'd be out of a job? "Probably." Was he surprised at the failure to switch together a rescue deal? "It's a lot of money. That's the way it goes, that's banking."

bank, and of its 4,000 employees, can suddenly be shattered.

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Cabinet should reassure but not interfere

PARLIAMENT and the City do not mix. Neither understands the other. Whenever a scandal erupts, there are always wild allegations and demands for government intervention. Yet the success of the City has lain in an implicit bargain: that provided ordinary depositors are protected, the Government does not interfere in the detailed regulation of City markets, or save firms from their mistakes.

The Bank of England has always had the role of organising rescues of failing firms, but there has been an ambiguity about whether it speaks in the name of the Government and with its financial backing. This applied in 1890 when Goschen anguished over how he should react to the collapse of Barings: "If I do nothing and the crash comes I shall never be forgiven. If I act, and disaster never occurs, Parliament would never forgive my having pledged the national credit to a private firm."

Eventually he concluded that it was impossible and undesirable to carry direct aid to Parliament. But the Governor of the Bank went directly to the Prime Minister to seek at least partial relief against

RIDDELL ON POLITICS

losses. The same dilemma recurred in October 1994 when Nigel Lawson was woken at six on Monday morning to be told that the Governor wanted to see him at 7.30.

They sought his support for the rescue of Johnson Matthey because of the possible impact of the collapse of its banking subsidiary upon confidence in the London bullion market. This required a Treasury guarantee to make up any shortfall.

As Lord Lawson complains in *The View from Number 11*, he had not been informed although the crisis had been brewing for days. "I was being given only a few minutes to decide whether or not to give an open-ended guarantee of taxpayers' money in support of a rescue about whose wisdom I was far from convinced."

The Bank has learnt the painful lessons of this episode and kept the Treasury better informed this time. Kenneth Clarke noted in his Commons statement yesterday: "The Governor did not recommend, and in any event I would not have agreed, that public funds should take on these liabilities."

The official line yesterday was that the problems arose from the activities of one trader in Singapore and were unique to Barings. Hence the inquiry by the Board of Banking Supervision, chaired by the Governor, will focus on what happened. That is necessary but is not sufficient. There are questions about the extent of exposure to derivatives trading in other banks, their internal controls and the Bank's regulatory procedures. That requires an independent inquiry, as Gordon Brown suggested. The Government, and Parliament, should not interfere, but they should be satisfied that the City is regulating itself adequately. Mr Clarke rightly avoided over-reaction. But he underestimated the need to offer reassurance about markets which the public, and most MPs, do not understand.

PETER RIDDELL

Prince's Trust funds frozen

Continued from page 1

where most of the loss-making Nikkei futures contracts that caused the bank's collapse were bought. Since the bank's assets have been frozen it cannot pay any of its losses to the exchange. This will force the exchange itself to make good the losses to other investors who bought profitable futures contracts.

Ernst & Young, the administrators appointed to recover creditors' cash by selling off Barings' assets, said yesterday that they hope to sell the whole of Barings as soon as possible. Such a sale would raise the cash to cover most of the losses, and it would also unfreeze the deposits of the bank. But until another bank

steps forward with an offer, the size of the losses and the cost to Barings' hundreds of clients will remain impossible to calculate.

Ernst & Young said: "We should say that we have been very encouraged by the interest shown by major UK houses in acquiring parts or all of the group. We will be working just as hard as possible to find as many solutions as possible."

While the crash of Barings is being blamed on Nick Leeson, who built up a huge loss-making position in Japanese stock market futures, Barings' own management are also responsible for a complete failure to implement standard regulatory systems

used by most internal banks. In most international banks, the activities of its traders are overseen by head traders and compliance officers, who ensure that they can deal only within strict financial limits. Dealers who fail to keep within the firm's limits can be dismissed.

In Barings' Singapore office, by contrast, there appears to have been no-one overseeing Mr Leeson's activities. As well as being the office's head of futures activities, he is also said to have been head of settlement, allowing him to conceal the extent of his trading until he vanished last Thursday.

By JOE JOSEPH

THE employees of Barings were reluctant celebrities yesterday as they steered awkwardly around the journalists outside the bank's headquarters in the City.

Many had left home too early to hear Eddie George, Governor of the Bank of England, trying to calm the nation via Radio 4's *Today* by de-

scribing the fiasco as "an extremely sad, but Barings-specific event" with limited implications for other institutions. The only Barings-specific event on the minds of employees was whether there would be a pay cheque next month.

One reserved his venom for Nick Leeson, the trader blamed for the bank's downfall. "It is terrible that someone should be responsible for

THE STAFF

all that money," he said. Ruth Boyton, a secretary with the bank for eight years, seemed close to tears. "I'm devastated. I've got a family to keep. Barings have always looked after everyone very well. All we've been told is that the administrators are coming in."

Many had been unable to sleep, or were simply anxious to learn as soon as possible of their fate: staff began arriving at Bishopsgate well before the 7am start that has become the City norm since the financial boom of the 1980s. "They were queuing outside here at 5am," said the man at the coffee bar across the road.

Some staff just shook their heads, struggling to grasp how the life of an ancient

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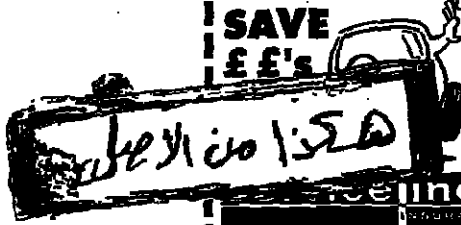
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'We are worried for those who may lose jobs, for our investors, our customers. It is most wretched'

Shocked relatives call conference to discuss worst crisis

By Andrew Pierce

RELATIVES of the Baring banking dynasty are planning a conference to try to come to terms with the worst crisis in the financial empire's 200-year history.

Few members of the family expect to become destitute. But Peter Baring, the chairman, and other members of the family with large investments in the company face huge losses if the company's assets are dwarfed by the escalating liabilities.

The family has homes in France, New York and some of the best addresses in London. The vast estates in Hampshire, which helped to preserve the family fortune in 1890, the last time the bank crashed, may help again. The Barings are among the country's biggest landowners.

Few members of the family were willing to speculate about the impact on their finances.

But one member, whose personal fortune was estimated at £200 million in 1990 in the *Sunday Times* guide to the richest families in Britain, expressed the bewilderment that has afflicted most members of the family.

"None of us wants to say anything because it is too early

to know what it means for us individually. The family is largely protected by the trust. But we are all in a terrible state of shock," she said. "We will come together to talk about this. We are very much in the dark."

"We are worried for the people who may lose their jobs, for the bank, for the future, for our investors, and our customers. It is the most wretched business. We are very proud of the bank. Everyone in the family is brought up



Peter Baring: rarely gives interviews

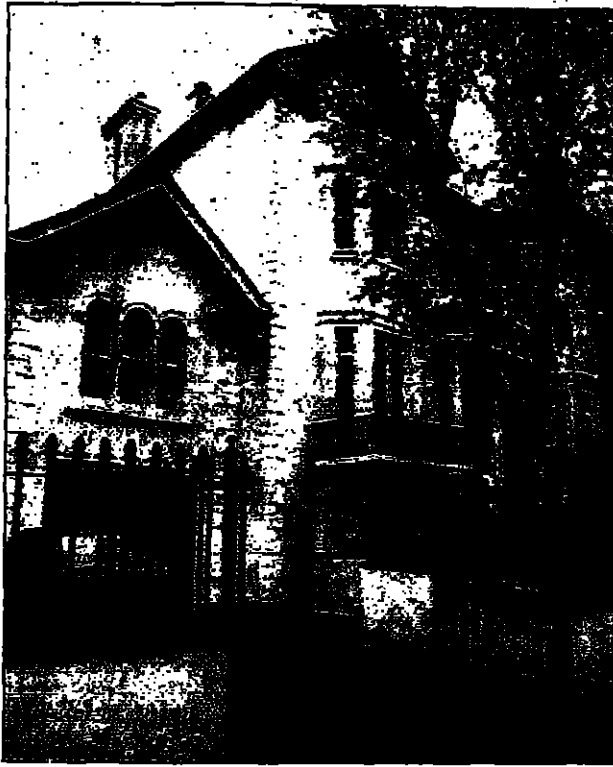
to be respectful of it. Now all this," she said.

Peter Baring, 59, the chairman, reportedly earns about £1.2 million a year, including his role as deputy chairman of the Provident Mutual Life Assurance Association and chairman of the British Merchant Banking and Securities Houses Association.

He was widely expected to stand down in the next year and has, according to colleagues, taken the debacle of the past days very personally. He became chairman in 1989 in succession to Sir John Baring, a distant cousin, who is now Lord Ashburton, chairman of British Petroleum.

Mr Baring, who read English at Cambridge and lives in Kensington, west London, has assiduously avoided publicity. He never gives interviews, but he was acutely aware that the dynasty was coming to an end. "Anyone called Baring can have a try here but they have got to pull their weight. A non-Baring could take over as chairman."

Mr Baring's brother Nicholas, 61, a non-executive director of Barings, is chairman of Commercial Union. Their father was killed in action in 1940. Their mother, Lady Rose Baring, 85, is a sometime lady-in-waiting to the Queen. Char-



Peter Baring's house in Kensington, west London. The family still owns thousands of acres in Hampshire

ity remains a domestic tradition. Peter Baring's wife Teresa is a former chairman of the Dr Barnardo's. There are three other Barings at the company: Michael, a director in investment banking, Mark, in private client fund management, and Francis, director of corporate affairs.

As soon as the Barings grew rich in the last century they ploughed their money into land. It helped to diversify the wealth and immunise it from total disaster if the bank failed.

When Sir Francis Baring, founder of the company, died in 1810, the bank was worth £68,500 and the land more

than £400,000. The family still presides over thousands of acres in Hampshire.

In 1988 the family co-operated with a history of the bank, *The Sixth Great Power*, written by Philip Ziegler, who wrote: "There is nothing in the constitution of the Barings, or of the Foundation, which requires family involvement."

There is no lack of up-and-coming Barings in the wings. This, together with the interest of other members of the group in seeing the traditional spirit of the house maintained, gives good reason to hope that the business will continue to have a distinctive feeling for some time yet."



Lord Ashburton, a former Barings managing director, with his second wife

Family with five peerages bestrides the aristocracy

FROM captain of industry to Irish recluses, the five currently ennobled Barings bestride the spectrum of Debutty's titled classes (Alan Hamilton writes). No family since the Middle Ages has managed to gather so many separate hereditary peerages to its bosom.

The seventh Lord Ashburton, formerly Sir John Baring, leads the field. A former managing director of the bank, he took the chairmanship of BP, the world's third-largest oil company, in 1992 on the fall of Bob Horton, who was subsequently consigned to purgatory as head of Railtrack. Lord Ashburton, who is due to retire from BP in July, divorced his first wife

11 years ago and is now married to Sarah Crewe, a grand-niece of Sir Winston Churchill.

At the other end of the rainbow is the new Lord Revelstoke, another John Baring. His father, the 4th Baron, spent two years in the family bank in the 1930s and quickly decided that it was not for him. He retired to the island of Lambay, 15 miles off the Irish coast northeast of Dublin, where his elder son, who is 61 and unmarried, lives a similarly reclusive life.

Within the last week misfortune has befallen the third Baring baron, the 4th Earl of Cromer. Evelyn Baring was forced out of his seat on the board of Inchcape, the £2

billion Hong Kong-based trading company, after making a speech in the Lords criticising Chris Patten's governorship of the colony.

By comparison, the two remaining Baring peers lead humdrum lives. Charles Baring, the present Lord Howick of Glendale and son of the last Governor-General of Kenya, was a leading member of the bank until 1982, but withdrew to Northumberland.

Lord Northbrook, the former Francis Baring, was educated at Winchester and Bristol University unlike most of the rest of his clan, who have an Eton and Oxford pedigree. He is an accountant who worked for the family bank until 1989.

Man who broke the bank 'is just a nice young lad'

By Dominic Kennedy

THE boy who failed his A-level mathematics will enter history books as the man who closed Britain's oldest bank. Nick Leeson was the bright son of a plasterer whose ambition took him a world away from the modest three-bedroomed council house in Watford where he grew up.

A former schoolfriend said Nick had been "very bright but ordinary. He was just a normal bloke who liked all the ordinary things like football."

The family home is a red-brick, end-terrace house in the respectable working class neighbourhood of Levensden, where the family has lived for about 15 years. The curtains were drawn yesterday and nobody would answer the door. Nick's mother is dead and a neighbour said his father Harry had gone north to stay with relatives. The back garden resembled a junkyard scattered with old cookers, a chip pan and an empty petrol can.

In March 1992 Mr Leeson, now 28, married Lisa Sims, now 23, at St Edmund the King church in West Kingsdown, Kent. In the same year Mr Leeson went to work for Barings, perhaps assisted by his wife who worked for Barings as a

stockbrokers' clerk. At his four-bedroom home in West Kingsdown Alex Sims, a printer, defended his son-in-law yesterday. He said: "Nick is no jack the lad. He was a normal young lad who decided he was going to do well in life. He was well-educated and is well-spoken and is not the sort who normally becomes a dealer. Generally they are loud, brash and flash but Nick was none of these things."

"He is a genuinely nice guy and I'm proud to call him a son-in-law. However, I am very concerned for his

wellbeing as well as Lisa's. He is not the sort who would do anything silly but I don't know why they haven't got in touch. I just wish they would call to tell me they are safe."

Mr Sims said he first heard of the trouble when he read the Sunday papers. "I saw it was Barings and Singapore and I felt then that it involved Nick. It wasn't until I saw television that I really knew it was him."

"I keep trying to ring Nick and Lisa but there is no answer. When I saw that it may involve some sort of fraud my knees went weak. I don't believe for a moment he

is the only one involved in this."

Mr Leeson left his father's home in Watford about five years ago, according to Les Baker, a close family friend who visited the house to post a sympathy note through the door yesterday. "I had a weep when I heard," said Mr Baker, who is in his seventies. "Harry is a smashing bloke and Nick is a lovely fellow. All my grandchildren went to school with him. He is a fantastic man, keen, lovely and diligent."

Harry works six or seven days a week as a plasterer on jobs around the country. "His clothes and shoes are always covered in plaster and you always see him in his overalls," said an assistant in the nearby grocers. "He is a nice person and often comes in here. He was talking to us about the National Lottery a few weeks ago. He said, 'you don't want to win all that money. Money doesn't bring happiness'."

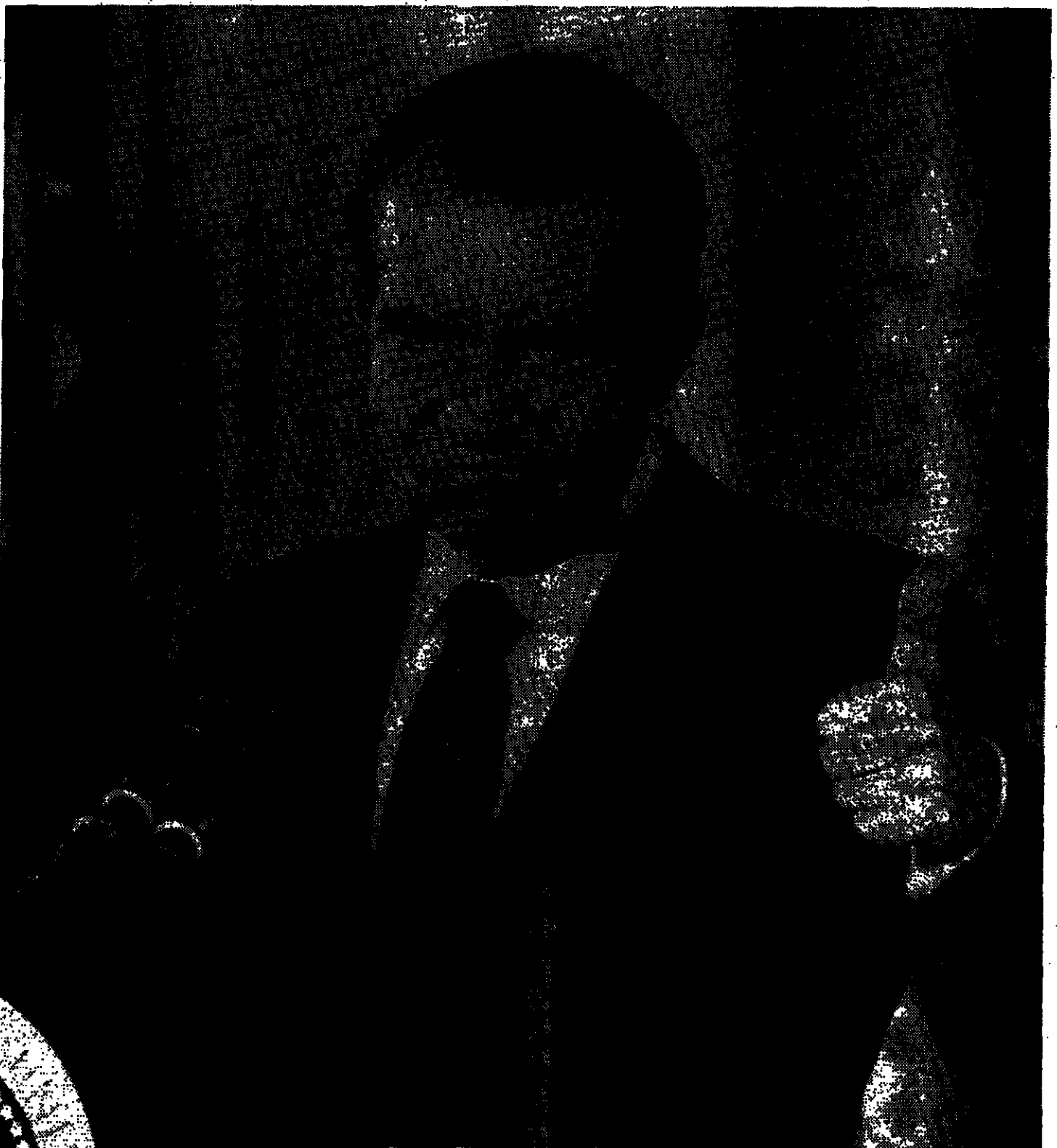
The news has quickly spread through the area, reaching a block of sheltered accommodation from which elderly ladies monitored the photographers, reporters and TV crews yesterday. "We've heard all about it," said one. "Isn't that the house where the bank robber lived?"



The terraced house in Watford where Nick Leeson's family has lived for 15 years. The curtains are drawn and his father has gone north to stay with relatives

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Number of needless NHS operations 'continues to rise'

By JEREMY LAURANCE, HEALTH SERVICES CORRESPONDENT

FIVE of the ten operations most commonly performed in Britain are often useless or carried out inappropriately, studies have suggested.

Many surgeons continue to perform routine operations such as D&C—scraping of the lining of the womb for women with menstrual problems—long after researchers have raised doubts about their value. Latest figures show the number of patients undergoing unnecessary surgery is rising.

The ten operations most often performed, excluding those associated with childbirth, account for a quarter of all operations. The most commonly performed procedure is endoscopy, in which a tube is inserted down the throat to examine the stomach. In second place comes abortion, followed by cystoscopy (internal examination of the bladder and urinary tract), removal of cataracts from the eye and hernia repair.

However, the value of the remaining five procedures in the top ten—tonsillectomy,

glue ear surgery, wisdom teeth removal, D&C and hysterectomy—has been questioned by experts. Figures obtained by John Yates, research fellow at the Health Services Management Centre, University of Birmingham, show that over 400,000 patients undergo these procedures each year.

Writing in the centre's newsletter, Mr Yates says it is estimated that two thirds of the tonsillectomies ever carried out were unnecessary. In the 1950s, almost a third of children had their tonsils removed in the mistaken belief that it reduced the incidence of throat infections.

D&C has been described in the *British Medical Journal* as "therapeutically useless and diagnostically inaccurate". Wide variations in the number of hysterectomies performed has led to accusations that gynaecologists are carrying out the operation unnecessarily.

Mr Yates says that health authorities are buying increasing numbers of tonsillectom-

ies, wisdom teeth extractions and glue ear operations. "Some of these operations are of dubious value. Before buying more, health authority purchasers should compare their surgery rates with those elsewhere," Mr Yates said.

Professor Miles Irving, director of the NHS technology assessment programme, said the five procedures were being studied for evidence of their effectiveness and advice would be issued by the Health Department to purchasers.

Plans to step up the nurses' pay campaign will be discussed today at the first meeting to be attended by all the nursing unions since their pay award was announced. Rank-and-file members of the Royal College of Nursing, Unison, the Royal College of Midwives, the Health Visitors' Association and the Chartered Society of Physiotherapy want an improvement on the national 1 per cent award recommended by the pay review body. The pay award allows nurses to negotiate further rises of up to 2 per cent locally.



The funeral of the former Wimbledon champion Fred Perry was held in Rottingdean, East Sussex, yesterday. He died earlier this month, aged 85.

Belgian police crack down on Chelsea fans

By STEWART TENDLER, CRIME CORRESPONDENT

AT LEAST 75 British football fans were expelled from Belgium yesterday as police promised tough tactics to prevent trouble breaking out at a European Cup Winners' Cup match between Chelsea and FC Bruges tonight.

Twenty-nine early arrivals were arrested as they left cross-Channel ferries at Ostend. Another 25 were held in Bruges after fighting broke out in the city centre and a car was stolen.

In London a spokeswoman for the National Criminal Intelligence Service, which runs a football intelligence unit, said the Belgians had announced they would expel any fans without tickets. She said 39 of the fans thrown out had been arrested for fighting and the rest had no tickets.

As Belgian police reported confiscating knives, tear gas and sticks from some fans, the Football Association said the deportations appeared to be a pre-emptive strike. The FA has worked with the Belgians, who began planning for the match a month ago, and the spokeswoman said the police strategy in Bruges appeared to be "well-advanced and thor-

oughly researched". Police estimated that up to 2,000 fans without tickets could try to reach the match at the small Olympiastadion ground, which holds about 18,000.

Six Scotland Yard officers with experience of policing Chelsea and hooligan gangs are going out to Bruges and an NCIS intelligence co-ordinator is taking out intelligence files and dossiers.

More than 700 police will be on duty in Bruges today, including riot police drafted in from Brussels, with back-up from water cannon and dogs. "We are prepared. We are doing everything necessary to keep public order," said Roger de Bree, the chief commissioner of police.

An English fan arrested for assault on the night of the riot at the match against Ireland was jailed for three months at Dublin District Court yesterday. Gareth Elvidge, 27, from Northolt, west London, had pleaded guilty to a previous hearing to assaulting two Irish fans on O'Connell Bridge in the city centre at 8.30pm on February 15.

Ready for trouble, page 44

Mayhew softens stance on IRA arms

By NICHOLAS WATT, IRELAND CORRESPONDENT

THE Government softened its position on the decommissioning of IRA weapons yesterday when Sir Patrick Mayhew said that ministers might meet Sinn Féin to discuss the issue.

The Northern Ireland Secretary's comments contrasted with his tone over the weekend when he said that Sinn Féin could not enter full negotiations until "substantial progress" was made on the decommissioning of arms. Gerry Adams, the Sinn Féin president, who condemned Sir Patrick's comments over the weekend, welcomed yesterday's remarks as a "more sensible approach".

Sir Patrick said that ministers would consider meeting Sinn Féin in the current round of exploratory talks if it accelerated the decommissioning of weapons. Until now the Government has made clear that ministers would not meet Sinn Féin until after the talks.

Sir Patrick said the Government does not want the momentum of the talks to be stalled by the issue of weapons. It appears that he changed his tone after Martin McGuinness, who is leading the Sinn Féin delegation in the exploratory talks, said on Sunday night that the present talks would soon end.

The European Commission announced funding of £140 million for Northern Ireland's border regions and for regeneration projects in Belfast and Londonderry. It is part of £1.2 billion the Commission will spend in the Province over the next four years.

Polluting motorists risk fine of £2,500

Drivers of polluting cars and lorries face fines of up to £2,500 in a new campaign. Brian Mawhinney, Transport Secretary, announced the anti-pollution blitz after a government study showed an alarming number of drivers flout the legal limits on exhaust emissions.

The programme, which was welcomed by environmental pressure groups and motoring organisations, will involve roadside checks of cars, vans and lorries in 23 towns and cities over two months. Most drivers failing the test will have 14 days to put their vehicles right. The maximum fine will be £1,000 for cars and taxis and £2,500 for vans and lorries.

Searches halted

After several days, resisters called off searches for Allan Lang, 50, his son Richard, 18, and Paul Bower, 18, feared to have been killed by an avalanche on Glencoe, and for Anthony Marsh, 40, who disappeared on Ben Nevis.

Abuser jailed

John Allen, 53, of Bisley, Gloucestershire, the former head of the Bryn Alyn children's home in Wrexham, Clwyd, has been jailed for six years after being found guilty at Chester Crown Court of six offences of indecent assault.

Saving grace

The decision of an unnamed VIP, believed to be a politician or military figure, to move out of Warwickshire will save the county's police force £210,000 a year in overtime for an armed protection team.

Soldier freed

A British soldier arrested after two students were killed in a car crash on Cyprus has been released. Lance Corporal Gareth Austin, 24, who is serving with the Royal Green Jackets, is likely to be charged later, police said.

Police settle

David Hoffman, a photographer who claimed he was assaulted by a policeman during a demonstration, accepted £25,000 from British Transport Police yesterday in an out-of-court settlement.

Tate hoax

Ebony Nwanosike, 23, of northwest London, admitted at the Old Bailey to trying to obtain £30,000 from the Tate Gallery by pretending to know where two stolen Turner paintings were. Sentencing was deferred.

BBC helpline

The BBC is launching a confidential free helpline linked to programmes on its national radio networks. The service will cost £5 million a year to run and will offer information on subjects such as redundancy and health.

Genetic cause of diabetes found

By NIGEL HAWKES, SCIENCE EDITOR

RESEARCHERS have identified a gene that causes the common form of diabetes, suffered by at least 500,000 people in Britain.

A team from the French National Institute for Medical Research has found that a gene mutation in people with this form of diabetes, known as Type 2 or age-onset diabetes, affects the way the body handles the hormone glucagon. This hormone is synthesised by the pancreas when glucose levels are low and is involved with the control of secretion of insulin.

The team has found that a single mutation in the gene is shared by a significant fraction of people who develop the disease and that it is passed down to their children. Usually, this type of diabetes does not appear until after the age of 40 or so.

The gene involved is the one responsible for producing not glucagon, but its receptor, the molecule to which glucagon binds. The French team has found that the receptor in people with the mutation binds only about a third as strongly to glucagon as it does in healthy people. The team suspects that the result is to cause an increase in glucagon

levels and a decrease in insulin production. This in turn would lead to high glucose levels and the symptoms of diabetes.

The French researchers, who report their results today in *Nature Genetics*, studied 216 French and 96 Sardinian patients with Type 2 diabetes, and found the mutation in five per cent of the French and eight per cent of the Sardinians. It is rare in the population as a whole.

Because it is responsible for only a minority of cases, other mutations are probably also involved and the French team will examine other receptors.

Body and Mind, page 14

CORRECTIONS

A landlord may have the rents of protected tenants reviewed every two years (Weekend Money, February 18).

Reconstruction of the dome of the Rotunda of the Anastasis in the Church of the Holy Sepulchre, Jerusalem, was completed in 1980 (report, February 8).

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Evidence 'inept and contaminated'

Sheriff condemns social workers for removing children

BY GILLIAN BOWDITCH, SCOTLAND CORRESPONDENT

A GROUP of Scottish parents has won a five-year battle to get back their children who were removed by the social services after allegations of ritual sex abuse. The official report on the Ayrshire sex abuse case, in which eight children were removed from their families, is a damning indictment of the practices of the social workers involved.

Sheriff Colin Miller, who was asked to reopen the case and who spent 12 months studying it, said evidence had been collected so ineptly and was so contaminated it was impossible to tell whether sexual abuse had ever taken place. In his 400-page report to the Court of Session, Edinburgh, Sheriff Miller said that on the balance of probabilities the allegations of sexual abuse had not been proven.

The case began in 1990 when a mother asked her doctor to check whether her three sons, then aged six months, three years and five years, had been sexually abused. A police investigation was launched into claims of a sex-abuse ring involving 70 adults and children. No charges were brought but four boys and four girls from three closely related families were removed from their homes under place-of-safety orders.

At an original hearing in private Sheriff Neil Gow found "elements of sadism, ritualism and torture". He spoke of "extreme depravities" and ruled that there were grounds for referral to a children's hearing. The children were placed under supervision orders and have been in

care ever since. The parents, who maintained their innocence, obtained a rehearing on the ground that they had expert opinion that challenged medical evidence heard by Sheriff Gow and interviewing techniques used by social workers. The new hearing before Sheriff Miller took place in 1994. Like the original, it was held behind closed doors and lasted 12 months.

Yesterday Lord Hope, Lord Allanbridge and Lord Mayfield, sitting in the Court of Session, upheld Sheriff Miller's findings. Lord Hope said: "It is, however, clear that a tragedy of immense proportions has occurred. More than 4½ years have gone by since the children were removed from their families in circumstances which the additional evidence has now demonstrated did not justify their removal."

Sheriff Miller's report said there were substantial gaps in the new evidence presented to him. The mother who first made the allegations was not a witness and there was a large gap in medical evidence.

He said: "I am left, my Lords, with a sense of frustration in that... I cannot with any certainty come to a view as to the truth of this whole complex, complicated and disturbing case. Evidence that might have filled the gap and eased the frustration was not brought before me, but I can do no more than issue my findings on the basis of what evidence I have seen and heard." He said the care workers and social workers who appeared before him

were "only the foot soldiers". None of the higher ranks appeared to explain their position and the foot soldiers had inevitably been left to be the butt of criticism.

Mary Hartnoll, Strathclyde's director of social work, admitted the criticism was "devastating". She emphasised that social workers had abided by the decisions of the courts and the children's panel.

"It is the court that decides on proof — not social workers," Miss Hartnoll said. She said the first concern was the best interests of the children. Social workers would have been failing in their duty if they had not acted and followed up the allegations, she said.

Return celebrated, page 1

Vet in love triangle killed herself

BY ROBIN YOUNG

A VETERINARY surgeon killed herself with a drug used to put down animals after her husband discovered that she had been having a three-year affair with her brother-in-law.

Jenny James, of Padbury, Buckinghamshire, was found slumped on the sofa in her surgery by her husband Chris the day before they were to leave for a holiday in Majorca in an attempt to mend their marriage.

The inquest in Milton Keynes was told that Mrs James, 43, had planned to leave her husband and move in with Michael Wade, her brother-in-law. The Buckinghamshire coroner, Rodney Corner, said he had known Mrs James well and regarded her as "a wonderful and irrepressible lady".

The inquest was told that Mrs James told her staff to lock away drugs at her two surgeries because she feared she would kill herself. She suffered a nervous breakdown because of her con-



Jenny James, the veterinary surgeon who injected herself with a drug for putting down animals after her husband discovered that she had been having an affair

fused personal life and her 12-hour-a-day work schedule. She injected her arm with a lethal dose of pentobarbitone, used for putting animals to sleep, on January 24.

Mr James, a farmer, said that he had only found out about his wife's relationship with his sister's husband on New Year's Day. "There was a serious decline in her

mental state soon after Christmas. I had had a serious argument with her about our marital problems," Mr James said.

Michael Wade said Mrs James had told him she had found a flat where they could stay together. "She was going to go there, with me to follow. There was no exact date. I was waiting for a phone call

to tell me when." Mrs James left farewell notes to her husband, Mr Wade, her two daughters and her nephew.

Recording a verdict of suicide, Mr Corner said: "She could not decide whether to live in the flat, whether to leave the family, or set up home with Mr Wade. She took what she thought was the only way out."

Actor in rape trial 'wanted a snack'

CRAIG CHARLES, the actor from the BBC2 science fiction comedy *Red Dwarf*, yesterday told a jury that his visit to the home of a former girlfriend was in the hope of getting a "bacon butty" rather than sex.

The woman has accused him of leading a gang rape while high on cocaine. Mr Charles said that while he and John Peplow, who is also accused of the attack, were with the former Soho stripper, she became "sexually aggressive" because of his plan to marry his latest girlfriend.

The 38-year-old woman gave them cocaine and ended up ripping off her shorts and knickers and abusing herself. Mr Charles said on the sixth day of the trial at Southwark Crown Court, southeast London. He and Mr Peplow deny joint charges of rape and indecent assault.

Mr Charles, 30, of Kennington, south London, said that after returning home from a night out, he and Mr Peplow went out to buy breakfast and passed near the home of the alleged victim. The trial continues.



Edwina Currie and Navy veteran Nigel Thompson

Ministry admits serious illness in Gulf veterans

BY MICHAEL EVANS, DEFENCE CORRESPONDENT

FOURTEEN per cent of British servicemen and women who have been assessed after claiming to be suffering from Gulf War syndrome are being treated as "serious medical cases", the Ministry of Defence has admitted. The illnesses include kidney disease, epilepsy, motor neurone disease and brain disorders.

However, the ministry has denied that the claimants, some of whom are still serving, are suffering from any disease that could be classed under the single heading of Gulf War syndrome.

It came under further pressure yesterday, at a meeting of claimants and MPs at the House of Commons, to acknowledge that "there is now a serious problem affecting hundreds of those who served in the Gulf War". Edwina Currie, Tory MP for South Derbyshire, who organised the meeting, said that she had received an acknowledgement from the ministry that, of the 100 cases examined so far, 14 were suffering from serious diseases. A further 42 were assessed as suffering from minor physical conditions that were not life-threatening.

Mrs Currie said the ministry told her that 12 people had chronic fatigue and 28 were suffering from post-traumatic stress disorder. There are a further 400 or so cases yet to be examined.

Among the claims for compensation facing the ministry are a number of ex-service women who say that they are suffering from premature

menopause owing to Gulf War syndrome. Ann Simpson, 33, a nurse who worked at a field hospital during the war, has been told that she cannot have another child because she has had her menopause 20 years early.

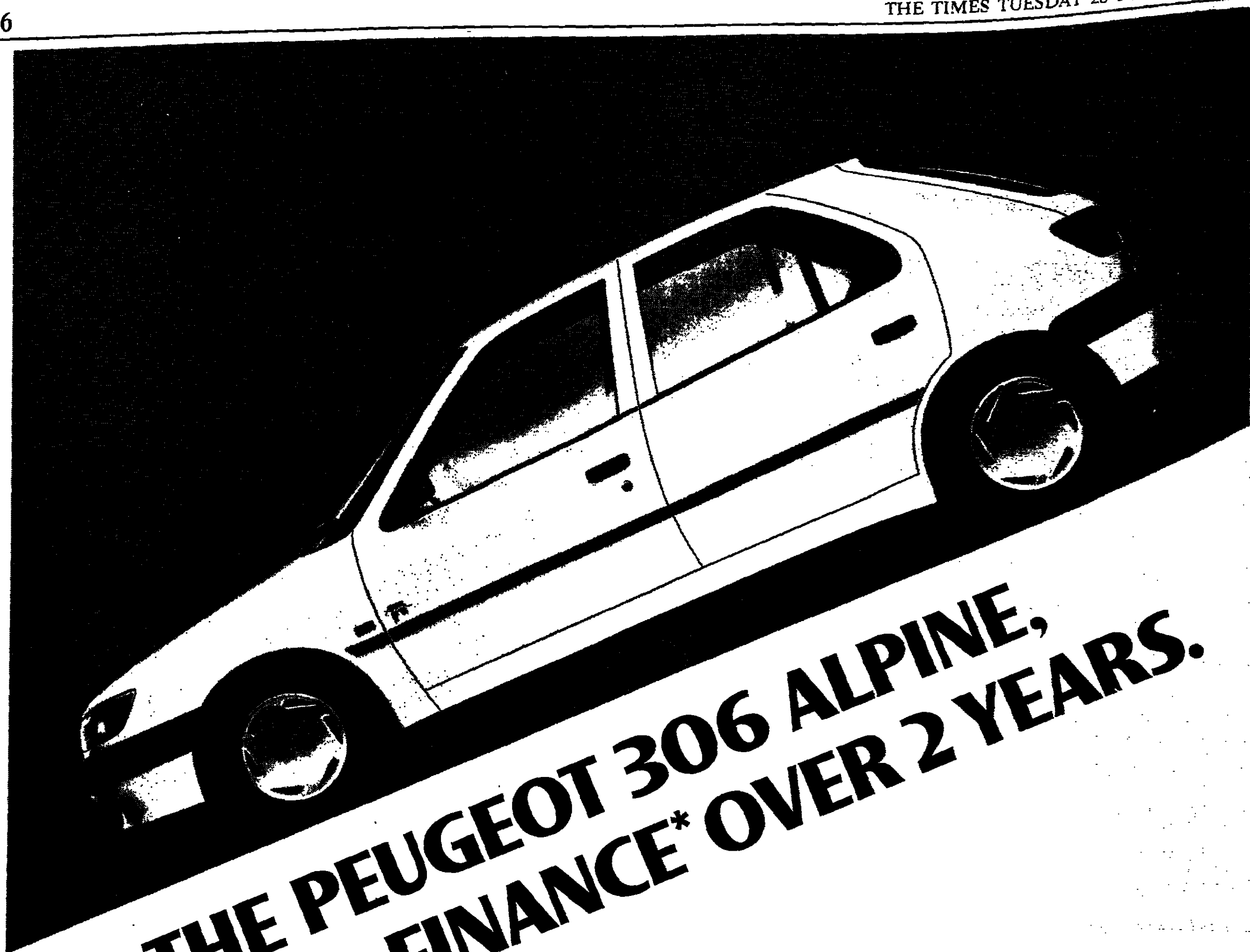
The most emotional evidence yesterday came from Nigel Thompson, 37, who served with a Royal Navy helicopter squadron during the war. He is confined to a wheelchair by motor neurone disease and is unable to speak except through a computerised voice machine. He believes that his illness was a direct result of being inoculated with a cocktail of vaccines to counter the threat from biological and chemical warfare.

He said that he first began suffering strange symptoms in June 1991 and subsequently lost his speech. He praised the Royal Navy for the way it had treated him but he said that he had now registered his case with solicitors as one of the 500 veterans claiming to be suffering from Gulf War syndrome.

The Commons meeting was attended by several MPs including Sir Archie Hamilton, former Armed Forces Minister, who said the claims would be difficult to prove unless there was firm evidence linking the diseases to the vaccines that were given to counter anthrax, plague and other biological attacks. Field Marshal Lord Bramall, former Chief of the Defence Staff, said he had "enormous sympathy" for the servicemen and women.

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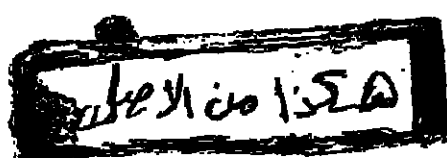
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Universities 'allow dons to harass women students'

BY PAUL WILKINSON

SEXUAL harassment of female undergraduates by academic staff is rife throughout higher education, according to a new report. It says harassment is allowed to flourish because university authorities are anxious not to discipline dons who have prestigious reputations or attract lucrative research grants.

Pam Carter and Tony Jeffs, the researchers, identify the archetypal lecherer as a male in his thirties working in the art, sociology or linguistics departments. He identifies his target on the first day of term and offers her secret meetings outside lectures. Mr Jeffs said: "They target students who are vulnerable, or simply for their looks, and home in on them. Some consider that having a string of students behind them is good for their image and expect people to be impressed by it."

Even in establishments with anti-harassment policies, complaints are often ignored.

A cover-up is the response to most complaints, Mr Jeffs said. Research indicated that women workers in ancillary roles such as campus secretaries could also be subjected to the unwanted attentions of senior male academic staff. Mr Jeffs and Ms Carter, who work in the social sciences faculty of the University of Northumbria, Newcastle upon Tyne, interviewed hundreds of students and lecturers over three years for their report, *A Very Private Affair, Sexual Exploitation in Higher Education*.

"The most disturbing thing is that in institution after institution this behaviour has been accepted or overlooked," Mr Jeffs said. "It is often seen as not worth commenting on. Influential and powerful lecturers are not punished because they are renowned academics. These affairs are far more widespread than we had imagined."

One psychology lecturer

handed out questionnaires to first-year students asking whether they would be prepared to indulge in casual sex or begin an affair with a married man. They were asked to describe their most frequent sexual fantasy. Suspicious students were assured that the questionnaire was "challenging prejudice and overcoming inhibitions".

The authors of the report were told of a lecturer who had such a lengthy string of conquests in the classroom he was dubbed The Bonker. But despite two complaints from students no action was taken against him.

Mr Jeffs, 51, said: "The effects of these affairs on students can be serious. They will leave courses, change institutions, alter options — anything to avoid the man in question. Universities must bring in measures to stop it happening. There has to be a boundary in the relationship between a student and tutor."



Peter Kerry, 14, who was found on the Malaysian-Thai border with his father's passport and credit cards, preparing to fly home from Kuala Lumpur yesterday

Runaway boy flies back from Malaysia jaunt

THE schoolboy who ran away to Malaysia after a family row was flying back to London last night.

Police, diplomats and the media had conducted a huge search for Peter Kerry, 14, after he used his father's passport and credit cards to make the journey to Malaysia last Tuesday night. Yesterday Megat Junid, Deputy Home Minister, said: "It's a small issue. Let the British High Commission and [Malaysian] immigration work out the matter. The boy is a minor. Let's send him back as soon as possible."

Peter was being looked after yesterday at the High Commission in Kuala Lumpur, where he had a swim in the pool. He had been found safe and well on Sunday night near the border with Thailand five days after leaving his home in Harrow, northwest London.

Peter's mother Pat said she was overjoyed her son had been found safe and could feel no anger about him running away. She told BBC's *Good Morning* pro-

gramme that she had spoken to her son. "He is amazed that people are interested and doesn't know what all the fuss is about."

Peter told her that local people had been very kind to him, giving him help and money to travel several hundred miles along the peninsula. John Kerry, 59, his father, said the argument had started when Peter thought he was being blamed for spaghetti being spilt on the floor. Mr and Mrs Kerry said they did not know how much Peter had spent using the credit cards. Peter used his father's passport after his own had been locked away when he tried to go to Paris.

Hans Craik, a director of the International Air Passengers' Association, told BBC Radio 4's *The World at One* that he would be calling for a full inquiry. "The first failure was when the boy was able to buy a ticket without properly identifying himself. The second was at the check-in desk where it seems the handling agent was only interested in the validation time of the passport."



Wallace: conviction

Convicted killer given an appeal

COLIN WALLACE, a former Army information chief in Northern Ireland, has been granted an appeal against a manslaughter conviction, it was disclosed yesterday. The decision was confirmed by the Home Office.

Mr Wallace, 50, of Arundel, West Sussex, has been trying to clear his name since his arrest for the manslaughter of Jonathan Lewis, 29, an antiques dealer who drowned in the River Arun after being knocked unconscious by a karate-style blow to the nose. Mr Wallace was jailed for ten years in March 1981 after being found guilty of manslaughter.

Mr Wallace, who worked for the Army in Northern Ireland in the early 1970s, claimed that he was a victim of a dirty tricks campaign. He was released from prison in 1986. The appeal is expected to be heard some time in the late summer.

Fraudster jailed for suitcase swindle

A BUSINESSMAN who claimed to have lost a suitcase every time he flew was yesterday jailed for 18 months for defrauding insurance companies. Alak Krishnan, 43, amassed £85,000 in two years from dozens of false insurance reports. Isleworth Crown Court was told.

Detective Constable Malcolm Bainborough, of the airline ticket fraud squad, told the court that Krishnan had been arrested at Heathrow with "a big green solid-sided suitcase and inside were two small leather cases which had been checked in on the outward journey. That was how we discovered what he was doing because he always had the necessary baggage tags for the 'missing' suitcases."

In two years Krishnan claimed to have lost 36 suits, 57 pairs of trousers, 86 shirts, ten leather jackets and seven pairs of binoculars, cameras, lap-top computers, camcorders and jewellery and silk saris for his former wife. He used forged receipts to claim repeatedly for the same goods from different insurance companies using fake identities.

Krishnan, of Bicester, Oxfordshire, and sometimes Stockport, denied nine specimen charges of attempting to obtain money by deception from insurance companies and one of obtaining £1,450. He was found guilty on all counts. He was also ordered to pay £3,000 court costs and repay £1,450.



Simon Bailey displays the time capsule's contents

Victorian craftsman speaks from grave

BY BEN PRESTON, EDUCATION CORRESPONDENT

BUILDERS working in the attic of Oxford University's Sheldonian Theatre have stumbled across a time capsule evoking a time when Queen Victoria was still warm in her grave and the Boer War was the stuff of saloon bar debate.

Ron Osman and Bob Hall discovered a parcel wrapped in dusty brown paper tucked behind the canvas of the building's 17th-century ceiling painting. It was left by Robert Nairn, a Dublin picture restorer, after he finished work in 1901 on Robert Streeter's *The Triumph of Truth and the Arts*.

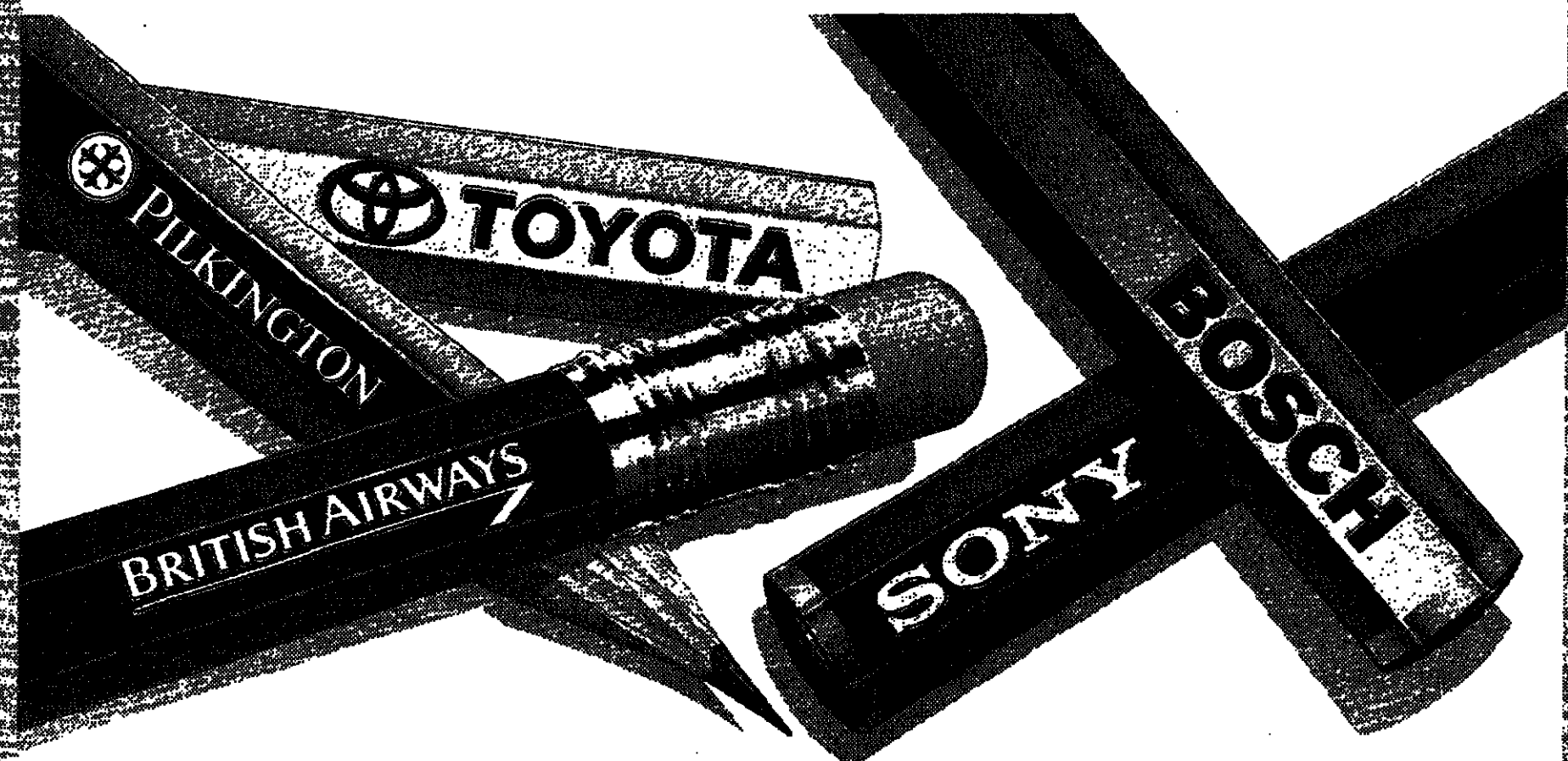
The package, secured with string and sealing wax, was inscribed: "To the curators of the Sheldonian Theatre. In trust for the next restorer of the painted ceiling." A letter gives details of Nairn's work

and snipes at predecessors who botched the job by clumsily repainting sections.

The capsule contains a photograph of Nairn, a political pamphlet on the Boer War ironically entitled *The Well-Conducted War*, a lecture programme from the Sheldonian, a printed catalogue from an Oxford chemist's and two issues of a broadsheet *Daily Mail* announcing the death of Victoria and reporting her funeral a week later. A copy of a magazine called *Pick-Me-Up* was left to titillate future generations with risqué cartoons.

Simon Bailey, the university archivist, said: "The letter from Nairn shows a touching concern for the future and an awareness of the ethics of conservation that is rather advanced for his time."

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Warmer summers melt frozen wastes

Rogue iceberg may herald worldwide coastal flooding

BY NICK NUTTALL, ENVIRONMENT CORRESPONDENT

SCIENTISTS studying the massive new iceberg in Antarctica have given a warning that almost every ice sheet on its coast is shrinking, as warmer summer temperatures melt the continent's frozen wastes. The claim will increase fears that the world's sea levels may rise.

Details of the trend, which would swamp island states such as the Maldives, were given by researchers with the British Antarctic Survey. They were giving further news of the iceberg as big as Oxfordshire that has broken away from the Larsen ice shelf.

Scientists suspect that the iceberg, which joins about 300,000 smaller ones in the southern seas, may be carrying unwitting passengers north, such as penguins and seabirds.

Dr Julian Parn, assistant director of the survey, said the iceberg could become a floating food source for marine animals. "There is evidence that giant icebergs cause an upwelling of the waters

around them, bringing up nutrients. It is likely to become a focus for marine life."

Dr John Crossall, the survey's section head of birds and seals, said that if wildlife was not on the iceberg yet it soon would be, with species joining the giant ice island as it headed north. Adèle penguins, a small species with distinctive white eyelids, and chinstrap penguins "will love sliding down its slopes". He said albatrosses would follow the iceberg, feeding off prey brought to the surface by the currents linked to the frozen mass.

The main focus of scientists' studies will be whether the creation of the iceberg marks a new and potentially worrying trend in the continent's natural processes. The formation of huge icebergs, including one the size of Cyprus which "calved" in the late 1980s, is usually predicted years in advance as part of a 50 to 100-year cycle.

But the emergence of the latest iceberg, pinpointed by

satellite and aerial images over the past two weeks, had not been foreseen because it formed in a different way. It could herald further sudden disintegration of the ice sheets, the scientists say, as sea temperatures in the region rise above freezing point.

David Vaughan, a glaciologist at the survey in Cambridge and one of the team monitoring the event, said yesterday: "This one has been caused by the ice shelf breaking up because of warmer summer temperatures. There is no doubt that the climate on the Antarctic peninsula has warmed significantly over the last few decades. What we are seeing now are changes only just working through to glaciers and ice sheets."

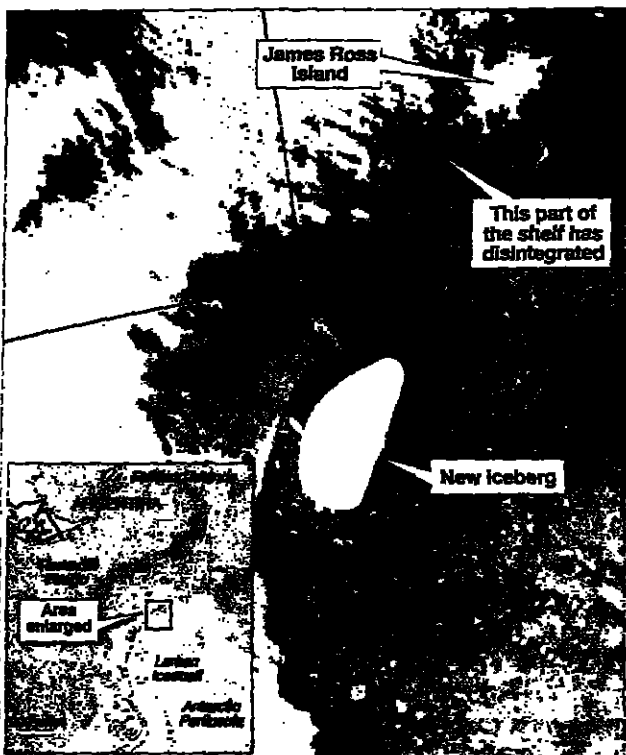
Icebergs normally break away from glaciers creeping down Antarctica's mountains, pushing ice sheets into the sea. The icebergs fracture and are released along faults and caverns that can be observed decades in advance.

The birth of the Cyprus-sized iceberg, which sailed past the Falklands in 1991 and along the east coast of South America, endangering shipping, had been predicted since the 1950s. The latest iceberg could follow a similar route.

About 90 per cent of the world's fresh water is held in Antarctica and, if it all melted, sea levels could rise as much as 60 metres. Even a more modest rise would threaten huge sections of the world's population because most people live on or near low-lying coasts. "Ice shelves are believed to keep back a lot of the ground ice in Antarctica. The Ronne and the Ross are the really important ones for maintaining sea levels," Mr Vaughan said.

The latest readings from the Topex Poseidon satellite, which measures sea levels, indicates that levels are rising twice as fast as scientists had thought, by three millimetres a year in the past two years.

Leading article, page 17



McClellan's girlfriend Angela Brown, left, arrives at Heathrow with a friend and the boxer's mother, right. They went straight to his bedside

McClellan surgeon 'surprised fight went so far'

THE surgeon who operated on the American boxer Gerald McClellan, who collapsed after being counted out in his match with Nigel Benn, said yesterday he was surprised the fight lasted ten rounds.

A blood clot was removed from McClellan's brain within hours of the World Boxing Council super-

middleweight championship match in London on Saturday. "It was quite a vicious fight," John Sutcliffe, a consultant surgeon, said. "I am surprised it went so far." McClellan's chances of pulling through looked "marginally rosier" after he spent a stable night in intensive care. Mr Sutcliffe said. "His chance of survival improves every hour," he told BBC radio news.

Mr Sutcliffe told BBC television that it was helpful that McClellan was taken to the Royal London Hospital in east London so quickly after the bout. "Hopefully we will get him through it — and get him through it in good condition." But he

added: "I think he will never box again." McClellan's girlfriend Angela Brown was at his bedside last night. Miss Brown, 26, appeared close to tears after arriving at Heathrow with McClellan's mother, Stacy, and his aunt Linda Shorter.

Sport, page 44

Judges must sit more often to cut 33,000-case backlog

BY FRANCES GIBB, LEGAL CORRESPONDENT

CROWN Court judges are having to sit a record number of days this year and next in an attempt to reduce the backlog of 33,000 criminal cases awaiting trial.

Despite a steady drop in the Crown Court workload, delays are so bad that scarcely any region is meeting the statutory targets within which cases must be brought to trial

— eight weeks in custody cases and twelve where defendants have bail. Michael Huebner, a senior official in the Lord Chancellor's Department, who will head the Courts Service when it becomes a Next Steps agency in April, said: "We have still got 33,000 outstanding cases, about four months' work."

"We have had substantially fewer cases, yet everything is taking longer," he said. In spite of the big rise already in the number of days judges are having to sit, little impact has been made. This year, Crown Court judges are having to sit for an extra 6,000 days compared with last year, a total of 87,000 days in all, from April the plan is for them to sit on a further 4,000 days, making a total of 91,000.

Although there has been a slight rise in the numbers of judges, the extra court sitting

days is being achieved chiefly through judges putting in more hours. "We have 520 circuit judges and the total may go up by 30," Mr Huebner said. "But we are no longer in the position when we were desperately short."

Mr Huebner has been forced to revise the targets for the time in which cases must be brought to trial. The revised target will at first be 16 weeks and he intends to set a "challenging" percentage — probably about 75 per cent — for the number of courts that must achieve it.

He outlined measures for big fee rises in the civil courts, which are expected to go over to a system of "pay by the day", or a court hearing fee as well as for a loss of court staff of nearly 10 per cent from its total of 10,000.

Legal, pages 31, 35

Tourist challenges passport controls

BY FRANCES GIBB

BRITAIN'S right to maintain border controls within the European Union came under attack yesterday when the first legal challenge to the Government was launched in the High Court.

Don Flynn, a British citizen, accuses Home Office immigration officials of infringing his rights under EU law by refusing to allow him and a group of friends to re-enter Britain after a day-trip to France without first showing their passports.

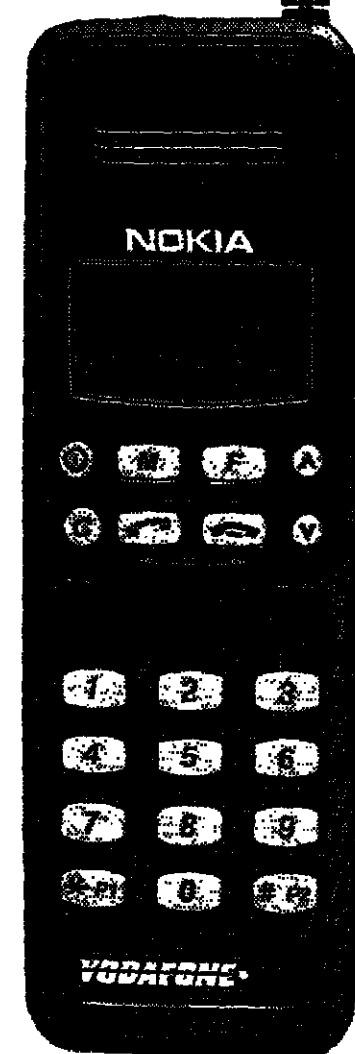
The group, all members of the Standing Conference on Racial Equality in Europe, took a hovercraft from Dover to Calais in May 1993. It is believed that they showed their passports when entering France. When they returned Mr Flynn, 43, of Clapton, east London, who works for the Joint Council for the Welfare of Immigrants, refused to

produce his passport on the ground that the Treaty of Rome ensured free movement within the EU. It was unlawful at the time to subject Mr Flynn to immigration control checks. He asked Mr Justice McCullough to refer the matter to the European Court of Justice as it was strongly arguable that the English courts could not resolve the issue "with complete confidence".

His application for a reference is being opposed by the Home Office, which maintains that domestic judges are entitled to rule that the immigration authorities have acted within their powers. The hearing continues.

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Clifton was on 8th floor

Suspect in murder hunt flees

BY STEWART TENDLER

A DOUBLE murder suspect who escaped a police raid by holding officers at bay with a shotgun and climbing down the outside of a tower block was being hunted yesterday.

Lancashire police have been searching southeast London for three weeks for Terence Clifton after two men were killed in Morecambe. Antonio Marrocco, 48, was stabbed and beaten to death in his garage and Paul Sandon, 28, was found knifed in a nearby field. Detectives suspect the motive was theft.

On Sunday, Lancashire and Metropolitan police officers burst into a flat in Cranbrook House, Erith, where Mr Clifton, 28 and unemployed, was staying. They did not expect him to be armed and did not carry guns. But Mr Clifton brandished a sawn-off shotgun. He jumped down from balcony to balcony, vanishing on foot.

Police who raided a second address missed him but later found the gun.

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T184



Jeffries could make £1.8m on share options

Brown capitalises on electricity chief's £2m pay package

By Jill Sherman
POLITICAL CORRESPONDENT

LABOUR inflamed the row over executive pay in privatised utilities yesterday by disclosing that David Jeffries, chairman of National Grid, has a remuneration package worth more than £2 million.

Gordon Brown, the Shadow Chancellor, revealed that Mr Jeffries stood to make £1.8 million through share options in addition to his basic pay of £359,000. Company records had also shown that Mr Jeffries had received a £25,000 relocation grant to move from London to Coventry. Seven

past and present National Grid directors had awarded themselves nearly £6 million worth of share options and the National Grid's finance director was about to become a millionaire this year, Mr Brown said. "Twelve electricity bosses who got rich quick have made it possible for another seven to get rich even more quickly - a magic circle of self-serving utility bosses helping each other to their millions."

Mr Brown announced plans to make senior executives justify their salaries in public. Under Labour's proposals, each regulator would have to hold American-style public

hearings where the chairman of each utility would be called to account.

The chairmen would be questioned on profits and boardroom pay before the regulators made any decision on the pricing regime. Consumer groups, the public and experts would also be given the right to give evidence to the regulator to inform the decision.

The National Grid is now owned by 12 regional electricity companies but it will be floated on the stock market in the early summer if given approval by the Department of Trade and Industry.

Mr Brown said three leading city

advisers had estimated that the grid, valued at about £1 billion at the time of electricity privatisation in 1989, was now worth closer to £5 billion, equivalent to £12.50 per share. Although Mr Brown believes that the share options would fetch £1.8 million, National Grid sources insist that the figure is nearer £1.2 million. A spokesman said that share options were a matter between the individual and the company, and were divulged each year in the annual report. "The value of the share options would, of course, depend on the value of the grid at the time of any flotation."

Mr Brown pointed out that the 12

heads of the regional electricity companies, who had control of the National Grid, had made millions from privatisation. "The Government says pay and share option abuses are a matter for shareholders, but today they must tell us what is to be done when the shareholders are people who themselves are guilty of some of the worst pay and share option abuses."

Labour has drawn up a number of measures to clamp down on excessive pay deals. It has tabled an amendment to the Finance Bill to force the Government to undertake public consultation and report on executive share options in

privatised utilities. A Labour government would also give regulators the power to adjust prices so that consumers did not bear the cost of excessive pay awards. In addition, quoted companies would be required to disclose more information on the remuneration of directors so that they could be called to account.

Andrew Smith, the Shadow Chief Treasury Secretary, disclosed that Labour would table a further amendment to the Finance Bill, opposing the Government's plan to extend tax benefits on executive share options to part-time directors.

Pro-hunting Tories plan to obstruct blood sports Bill

By Philip Webster and Lin Jenkins

THE first step towards the outlawing of hunting is expected on Friday when campaigners against blood sports are likely to win their first Commons victory with the help of about 25 Tory MPs.

But the pro-hunting lobby remains confident that it will be able to stave off an early ban through the use of obstructive parliamentary tactics.

As battle lines were being drawn for an emotional debate on an issue that divides communities and political parties, it emerged yesterday that pro-hunting Tories are considering a boycott of Friday's second reading vote on John McFall's Wild Mammals (Protection) Bill. They appear resigned to losing the vote and want to deny it legitimacy.

But they also believe that they will have little difficulty in killing off the Bill when it reaches its detailed Commons committee stage. Even if the Bill cleared the Commons they are certain that it could never get through the Lords. Without active government help a Private Member's Bill that is opposed by a large section of the Commons has no realistic chance of success.

A campaign is already being planned by Tory supporters of hunting to engage in a "filibuster", halting the Bill's progress by making lengthy

timewasting speeches on obscure amendments so that eventually it will run out of time.

Many of them believe that the preferred tactic on Friday should be to allow the Bill a second reading without a vote to try to make it look meaningless. However, even the pro-hunting lobby accepts that the debate could mark the beginning of the end of hunting in Britain. Under the Bill fox hunting, stag hunting and hare coursing would be banned as cruel sports under clauses that would make it an offence "to cruelly kick, beat or torture a wild mammal". Penalties for breaking the law would mean fines of up to £5,000 for each animal harmed.

Although this Bill looks destined eventually to fail, campaigners on both sides admit that it is only a matter of time before a government will have to make way for such legislation. The next Labour government is effectively committed to making time for a Bill.

Mr McFall said yesterday: "If the hunting supporters are considering not taking part, it shows they are already running scared. There is no place for such cowardice. This issue must be aired and genuinely voted upon."

Sir Andrew Bowden, a Tory sponsor of the Bill, said that

up to 30 Tories backed it and that the climate of opinion within the party was changing.

Farmers, conservation groups, the British Field Sports Society (BFSS) and British Association for Shooting and Conservation are among organisations that will be supporting nine country sports rallies held to coincide with the reading of the Bill. The gesture is in stark contrast to the emotive full page advertisements in the national press placed by the multimillion-pound campaign against blood sports.

The BFSS has complained to both the Advertising Standards Authority (ASA) and the Charity Commission over the advertisements. They claim that they contain inaccuracies and deliberately confuse legal hunting with activities that are already outlawed. They have also complained that the RSPCA acted beyond its brief and showed a self-locking snare which has been illegal since 1981.

Nick Herbert, political advisor to the BFSS, said: "The Bill would not save the life of a single wild mammal, but would merely replace regulated control methods with unregulated and indiscriminate techniques. It would create absurd anomalies in the law and severely restrict essential pest control."



Lady Mallalieu: "If this Bill goes through, a whole way of life will be mindlessly destroyed for ever"

Labour baroness hounds 'saboteurs'

By Alice Thomson, Political Reporter

LABOUR MPs who want to outlaw hunting are coming under attack from an unlikely quarter. The most vocal opposition to the Bill against fox-hunting, stag-hunting and hare-coursing is from Baroness Mallalieu, a front-bench Labour peer.

Lady Mallalieu, QC, 49, a leading prosecution barrister, has set up the Leave Country Sports Alone campaign to pressure her party not to abolish blood sports.

Her socialist credentials are impeccable. Her father and uncle were Labour MPs in

Yorkshire. Neil Kinnock made her a working peer in 1991 and at one stage she was never seen without her CND badge.

But every weekend the baroness rides to hounds with the Bleasdale and Whaddon Hunt. "These well-meaning Labour MPs have spent all their lives in cities and are ignorant of the issues," Lady Mallalieu said yesterday. "I have just come back from hunting in Exeter and if this Bill goes through, a whole way of life will be mindlessly destroyed for ever. Fox-hunting is not

cruel. The animal either dies or gets away, unlike when it is shot and often gets wounded."

She says that the Labour Party treats hunting as a class issue and stereotype hunters as braying toffs charging round the countryside. "In my hunt, we have a whole range of people riding and following. Many of my neighbours go without treats and holidays just so they can afford a horse to ride and it keeps many others employed."

"Those who hunt are not anti-animals. I got up at 6am this morning to feed 186

animals before going to court." She unapologetically admits that personal pleasure comes into it. "My life will be much poorer when I have to give up hunting. The adrenaline, excitement and physical danger sharpen you up no end."

Lady Mallalieu is backed by Labour's Lord Donoughue and Lord Shackleton and a string of Labour "lurvers", including Jeremy Isaacs and David Puttnam, and by Sam McCusker, former general secretary of the National Union of Seamen.

As the Commons prepared for tomorrow's vote on Europe, there was anger among pro-European Tories at John Major's decision to write the foreword to the ERG paper. Leading members of the the Positive European Group described it as a tactical mistake for the Prime Minister to ally himself with the Right.

Britain's veto 'will not stop' federalists

By Nicholas Wood

RESOLUTE use of the British veto at next year's summit on the future of Europe will not be enough to halt the drift towards a federal state, a prominent Tory Euro-sceptic said yesterday.

Michael Spicer, a ring-leader of the Maastricht rebellion, said: "The process towards a federal European Union now has a momentum of its own which the use of the veto on new initiatives will not of itself halt. The EU does not need new inter-governmental conferences or fresh treaties to expand its jurisdiction." The Commission and the European Court of Justice were instinctive empire-builders.

Mr Spicer, a former minister, delivered his warning in a speech at Reading University as the centre-right European Research Group, which he chairs, published its manifesto for the summit demanding the repatriation of powers from Brussels. His comments were a warning to the Government, which has made much of its readiness to wield the veto to block any moves towards a federal Europe.

As the Commons prepared for tomorrow's vote on Europe, there was anger among pro-European Tories at John Major's decision to write the foreword to the ERG paper. Leading members of the the Positive European Group described it as a tactical mistake for the Prime Minister to ally himself with the Right.

Clarke wins open government award

KENNETH CLARKE has become the first British minister to win an award for his contribution to freedom of information and open government (Nigel Williamson writes).

The award, made every year since 1985 by the Campaign for Freedom of Information, was given to the Chancellor for his decision to publish the monthly minutes of his meetings with the Governor of the

Bank of England. However, the Government immediately made clear that it was a practice unlikely to be initiated widely across Whitehall. A spokesman said that "internal candour" between ministers and officials would be damaged if policy advice was routinely published.

Mr Clarke's citation is the first time the Government, in any guise, has been recognised in the awards. Maurice

Frankel, director of the campaign, said: "The release of the minutes is a breakthrough which undermines one of Whitehall's deepest taboos. It is a profoundly significant move which many both inside and outside government have still not woken up to."

The awards were presented in London last night by Eithne Fitzgerald, Deputy Prime Minister of Ireland.

SNP split over choice of candidate

By Gillian Bowditch
SCOTLAND CORRESPONDENT

THE Scottish Nationalists are at odds over who is to contest the Perth and Kinross by-election. They are tipped to take the seat from the Tories.

Roseanna Cunningham, who as the Scottish National Party candidate lost to the late Sir Nicholas Fairbairn by just 2,094 at the 1992 election, is believed to have been left off the shortlist. Ms Cunningham, an advocate and the SNP environmental spokesperson, has spoken against the monarchy in the past.

Insiders say that a heated meeting of the election committee on Sunday ruled out Ms Cunningham as a candidate. A shortlist of three will be drawn up by the national executive this weekend. Front-runners for the candidacy include Alasdair Morgan, the party's national secretary; Bruce Crawford, a councillor in Perth; and Keith Brown, who contested Lothian in the European elections. The SNP yesterday refused to comment on reports of a clash between Ms Cunningham and Winnie Ewing, the SNP's president.

IN PARLIAMENT

YESTERDAY: In the Commons, questions to national heritage ministers, the Attorney-General and the Minister for Overseas Development were followed by a statement by the Chancellor on Savings market bank. There was a debate on the Criminal Justice (Scotland) Bill. The Lords debated the Law Reform (Succession) Bill and the Building Societies (Joint Accounts Holders) Bill.

TODAY: In the Commons, questions to defence ministers and the Prime Minister will be followed by a debate on social security benefits and contributions orders. The Lords will debate the Government's economic assessment for the European Commission, and the future of British Coal Enterprise.

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Dynamic Gaullist rival takes advantage of bruised Balladur

Chirac rekindles voters' interest as man of change

FROM CHARLES BRENNER IN PARIS



Harriman: keeping quiet after talks

Balladur seeks to end spy dispute

FROM AFP IN PARIS

PRIME MINISTER Edouard Balladur sought yesterday to lay to rest the Franco-American spying row, saying the two countries should base their relations on a renewed spirit of trust.

Speaking after calling in Pamela Harriman, the US Ambassador, for the second such meeting in a week, M. Balladur expressed his "wish to see Franco-US relations remain founded on mutual trust". The dispute was sparked off last week by a leaked French intelligence report saying that five US nationals, four of them diplomats at the US Embassy, had engaged in economic and political espionage on the French mainland for two years.

M. Balladur said in a statement released after yesterday's meeting with Mrs Harriman that he had also ordered his Interior and Foreign Ministers, Charles Pasqua and Alain Juppé, to make no further comment "in public or in private" on the issue. Mrs Harriman, who was first summoned last Wednesday shortly after the affair broke, declined to comment as she emerged from M. Balladur's Matignon office after a 30-minute meeting.

The affair escalated on Friday when M. Pasqua made an outspoken attack on the US Embassy, saying it was behind the leak.

LESS than eight weeks before the first round of the French presidential elections, the campaign winds have veered. Edouard Balladur, the Prime Minister and longstanding favourite, has been forced to tack against the tide while a new breeze is filling the sails of Jacques Chirac, his Gaullist rival.

A clutch of polls has confirmed a reversal of fortune for the Gaullist enemies as Lionel Jospin, the Socialist candidate, has managed an impressive entry into a campaign which has been thrown open after months of domination by M. Balladur. The polls show all three running even in the race for the April 23 vote which will decide who enters the two-man run-off on May 7.

The succession of near-farical scandals around the Prime Minister last week battered M. Balladur's image, but the tide had begun turning after his formal entry into the race in mid-January. Even before he became embroiled by Charles Pasqua, his Interior Minister, in the telephone-tapping controversy and an extraordinary diversion over American spying, he was running out of steam.

A relative newcomer to campaigning and a pale performer outside television studios, the Prime Minister is being forced into the field to compete with the far more dynamic M. Chirac. "At the very moment that the Balladur clockwork is jamming, the Chirac machine is changing its gears," *Le Point* magazine noted.

The turning of the tables is most visible in the Chirac camp. Aware that nothing is won, it is trying to avoid gloating. "The mayonnaise has taken," said Jacques Toubon, the Culture Minister and Chirac loyalist. "But you know what happens when you beat mayonnaise too hard - it turns," he warned party officials at a rally on Sunday.

M. Balladur's team is alarmed at the lukewarm support from some of the Cabinet majority who joined

him and they are reporting embarrassed telephone calls from regional party barons who are eager to rebuild bridges after siding with the man the party machine deems a traitor.

They are also smirking at the mischief wrought by M. Pasqua, the one-time Chirac lieutenant and Gaullist heavyweight whose support gives the Prime Minister, a Gaullist only since 1986, his main claim to the mantle of the late general.

Without M. Pasqua, M. Balladur would emerge more than ever as the candidate of the ill-defined centre-right parties. Backing from the pugnacious and undiplomatic M. Pasqua is blamed by some for causing M. Chirac's defeat by President Mitterrand in the

1988 contest. M. Chirac, 62, a two-time presidential loser who had been written off until recently, is enjoying a new lease of life. Months of campaigning around town halls and villages are beginning to pay off as the party leader and Paris Mayor projects himself as a man of the people and champion of radical change.

Something of the new, more presidential, Chirac was on display when the candidate turned up on television at the weekend accompanied by a bevy of supporting stars, including Claudia Cardinale, Mstislav Rostropovich and Michel Sardou, the beloved singer of the humble classes.

"Experience changes a man. There is no doubt I am more serene now," said M. Chirac, whose two terms as Prime

Minister earned him the reputation of a hothead. Levelling his usual charge of timid leadership at M. Balladur, he said: "In a changing world, there is no greater risk than remaining immobile."

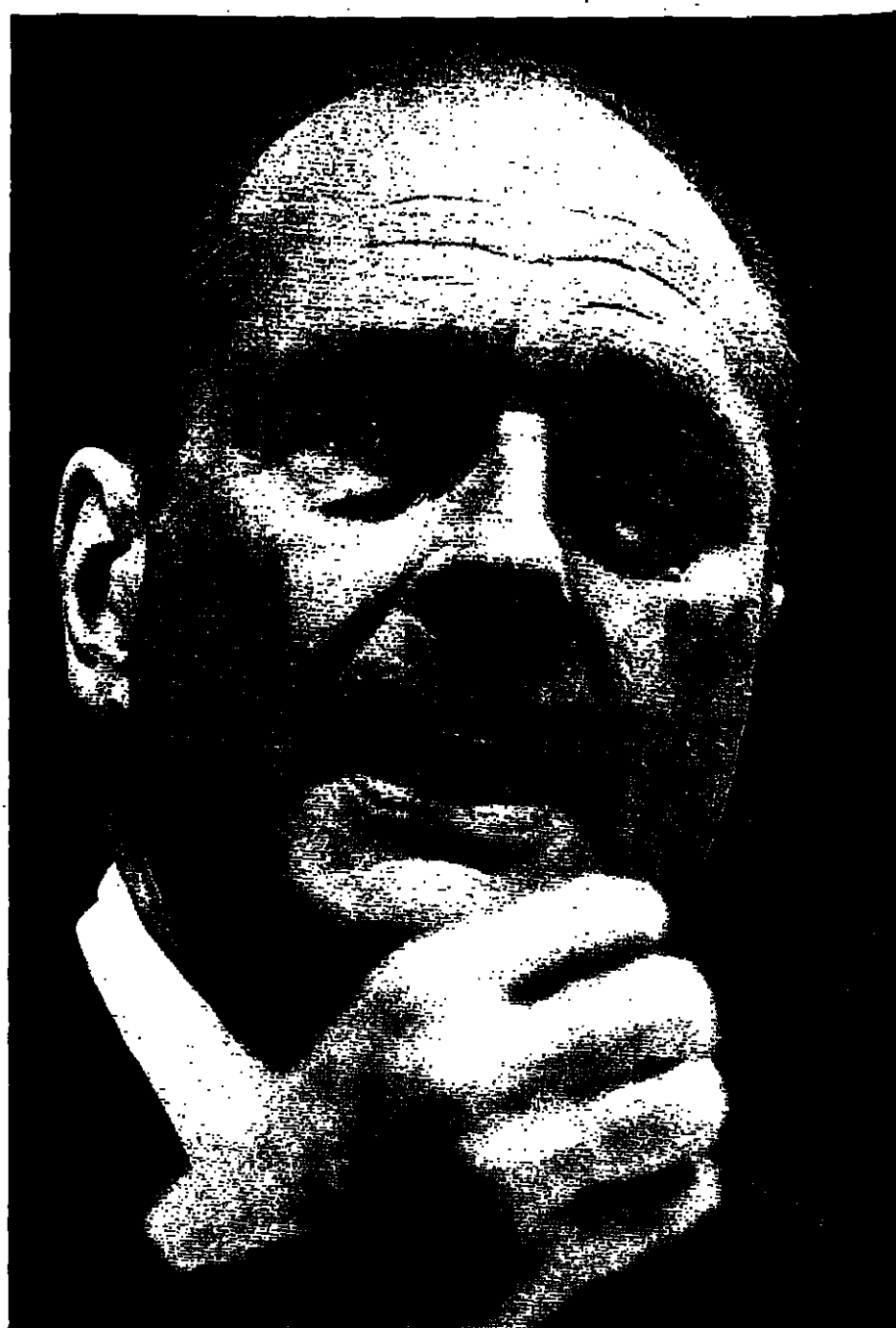
M. Chirac, whose support for further European integration is weaker than M. Balladur's, also elaborated on his plans for a new referendum on the matter. As President, he could call a vote as early as next year to decide on institutional reform in the European Union, he said.

Pollsters found this week that M. Chirac rated in the public mind as far more "dynamic, combative, modern, sympathetic and courageous" than M. Balladur, while the Prime Minister scored higher for being "tolerant, reassuring, convincing and sincere".

"Dear Edouard," as M. Chirac still refers to his erstwhile protégé, is aiming to stiffen his campaign this week while his advisers insist they had always believed his lead had been artificially inflated. They are, for the moment, applying all the pressure that they can to dissuade Raymond Barre, the independent conservative, from joining the race. The move, considered likely, would take votes from M. Balladur in the first round.

A similar diluting effect has been inflicted on M. Jospin by the entry of Jean-François Hory, the Radical leader. The small leftwing group acquired sudden clout two years ago when it was joined by Bernard Tapie, the football tycoon and former minister. With M. Tapie now disqualified from election by bankruptcy, M. Hory can only play a spoiling role, but it could be enough to ensure the run-off is left to the feuding Gaullists.

M. Jospin is pressing M. Hory to withdraw for the sake of the left. Emboldened by his sudden strength in the polls, he is talking of outright victory and promising to dissolve parliament and call new elections if elected. Even if he



Jacques Chirac, who has pledged that if he is elected President, he could call a vote as early as next year to decide on institutional reform in the European Union

makes the run-off on May 7, M. Jospin is still given a slim chance of victory given that his likely opponent will be a Gaullist who can count on rallying the support from across the conservative camp.

On the other side of the spectrum, trouble has flared on the far Right, where Jean-Marie Le Pen, the candidate of the National Front, has enraged opponents and civil rights groups by trying to justify the murder in Marseilles last week of a teenage immigrant from Africa. Three National Front militants, who were putting up election posters, have been charged with murdering the boy by shoot-

ing him in the back when he was returning home after attending a rap rehearsal. M. Le Pen said that the affair amounted to self-defence, denied that there was "any racial or racist connotation" in the killing, and blamed the media and the politicians.

"Those who are responsible are those who have allowed immigration into France," he said. Last night, M. Le Pen topped television ratings for his defence of his supporters in the death of the Muslim immigrant. The privately-owned TFI channel reported that 6,870,780 viewers watched the 7 sur 7 political interview

shown on Sunday. The show was unusually hosted by TFI news editor, Gerard Carreyrou, standing in for the Jewish anchorman, Anne Sinclair. Attacked in the past by M. Le Pen, she said that she had stood down "on account of my personal relationship with Jean-Marie Le Pen, based notably on a succession of lawsuits".

Thousands of people demonstrated in Marseilles at the weekend in protest at the killing while hundreds of others marched in Paris and provincial cities, chanting anti-National Front and anti-Le Pen slogans and calling for the party to be disbanded.

Sicilian murder puzzle

Rome: Italian police are puzzled by a series of murders in the Sicilian town of Corleone (Philip Willan writes). The killings have shattered a 16-year ceasefire in the dusty, Mafia-dominated town.

The first killing was on January 28 when gunmen shot Giusto Giammona, aged 22, as he was working in his clothes shop in the centre of the town. Last Saturday his sister Giovanna, 27, and her husband Francesco Saporito, 30, were ambushed and died in a hail of Kalashnikov and pistol bullets. Their two-year-old son Antonino miraculously escaped injury.

Corleone is the home town of Salvatore "Totò" Riina, the alleged "boss of bosses", who went on trial yesterday in Palermo, the Sicilian capital, with 47 other suspected members of the Mafia.

The trial, which began in the heavily fortified courtroom inside Palermo's Ucciardone prison, arises from murders alleged to have been committed by Riina's Mafia "family" during its ruthless rise to power in the 1980s.

Abused son 'kills six'

Versailles: A 16-year-old youth shot dead his father, stepmother and four other people at home in Louveciennes, west of Paris, according to police.

They said he gave the alarm and was in a trance when found. All six victims were of Russian origin and the youth complained of ill-treatment by his father, who had remarried. The other dead were the stepmother's parents and another couple who were friends of the family. The father was named as Yevgeni Polevoi, who settled at Louveciennes in 1993. The youth's three-year-old half-sister was unharmed. (AFP)

Icons charge

Berlin: A Russian man identified only as Vladimir S, an architect aged 44, went on trial accused of killing a compatriot and stealing icons worth 6650,000 from the victim's Berlin gallery. (Reuters)

Rape trial

Aix-en-Provence: A father of two went on trial for the rapes of 38 women, but claims 15 years as a serial rapist and more than 100 victims. Alain Garcia, a refinery worker, has been jailed since 1988. (AFP)

Mother's quest

Oslo: A mother of a girl, five, who died after a beating by three boy playmates, is to seek £20,000 in government compensation. The incident happened in Trondheim, central Norway. (AP)

Drugs increase

Vienna: Drug output and abuse are increasing worldwide, with organised crime gangs collaborating in trafficking, the Vienna-based International Narcotics Control Board said. (Reuters)

Britain to close consulate in Venice to fund embassies

BY MICHAEL BINYON, DIPLOMATIC EDITOR

BRITAIN is to close its consulate in Venice, together with two locally-manned consulates in Genoa and Turin, as part of a Foreign Office drive to save money so that new embassies can be opened in the former Soviet Union.

The announcement will be made tomorrow in a parliamentary answer. Florence, which was also considered for closure, has been reprieved. But the retrenchment in northern Italy is likely to stir deep emotions and opposition from intellectuals, academics and the large British expatri-

ate community in Italy. There has been a British consul in Venice since the early 1800s. The most famous consul, Joseph Smith, provided George III with the basis of the Royal Collection of paintings.

The move, however, brings Britain into line with France and Germany, which have already closed their consulates, and America, which withdrew its representation in 1993.

The closures have been forced on the Foreign Office because of savage budget cuts over the next three years. The

Claes questioned over alleged bribes

BY MICHAEL EVANS, DEFENCE CORRESPONDENT



Gore: full confidence in Secretary-General

WILLY CLAES, the Secretary-General of Nato, whose job is considered vulnerable because of an alleged role in a bribery scandal, was yesterday questioned by Belgian authorities about the affair.

Mr Claes went to see the judge examining the allegations "at his own request", according to Nato sources. Frank Vandembroucke, the Belgian Foreign Minister, was also questioned about the alleged payment of bribes by the Italian arms firm Agusta after securing a helicopter contract with the Belgian army in 1988. The Nato sources said Mr Claes, who has acknowledged he was

aware of the bribery approach by an official from Agusta when he was Belgian Economic Affairs Minister, gave "his side of the story" to the judge.

Later, at Nato headquarters, Mr Claes was given full backing by the American Vice-President. On a visit to Nato headquarters in Brussels, Al Gore gave what amounted to unconditional support from Washington for the embattled Nato chief. "The United States has full and complete confidence in Secretary-General Claes," Mr Gore said. Mr Claes has come in for severe criticism from the Belgian press which is

demanding his resignation as head of Nato.

Last week Mr Claes denied any knowledge of an alleged attempt by Agusta to bribe his Flemish Socialist party, in a bid to win the contract to sell the Belgian army 46 helicopters. Later Mr Claes retracted his statement and confirmed that he did remember being told of the bribery approach.

Mr Gore said he had not discussed the details of the scandal with Mr Claes. However, he said he did not believe the accusations in the Belgian press. Tomorrow Mr Claes is going to America for talks on Nato enlargement.

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Germans seek return of paintings as dispute threatens to reopen wounds of war

Russia puts looted artworks on show

FROM RICHARD BEESTON IN MOSCOW

RUSSIA yesterday unveiled a secret treasure trove of art works plundered by Soviet forces in occupied Germany, sparking a fresh international custody dispute over hundreds of priceless paintings.

The Pushkin Museum in Moscow said that it had kept the existence of its collection of nearly 400 works secret for half a century, before deciding to break its silence in honour of this year's anniversary celebrations marking the end of the Second World War.

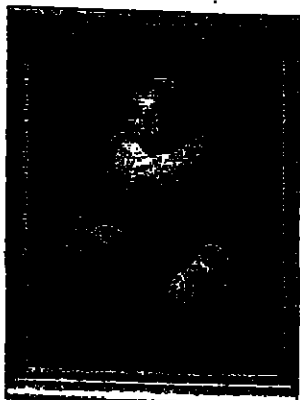
"We are happy to be able to show you these works at last," said Irina Antonova, the museum director. She insisted that the collection was not a show of plundered works, but rather the result of an enormous rescue and restoration effort by the Soviet authorities.

The exhibitors referred to the works being "twice saved" — once by the Soviet troops and once by museum workers. "All the paintings had to be restored," Ms Antonova said, adding that she had "never felt guilty" that the paintings had not been on show for nearly 50 years.

The 63 paintings and drawings on display included works by El Greco, Francisco de Goya, Pierre Auguste Renoir, Edgar Degas and Edvard Munch. A similar collection, also seized in Germany, will be going on display at the Hermitage Museum in St Petersburg next month.

"Everyone is wondering how many works are still hidden in Russia," said Rosalind Gray, a British art historian who viewed yesterday's exhibit. "It will be interesting to see if smaller museums in Russia will follow the lead of the Pushkin and the Hermitage in revealing their hidden stores as well." Even before the paintings were put on public display, however, Russia and Germany became engaged in an uneasy and potentially angry ownership dispute that threatened to reopen the wounds of the war.

Many Russians sympathise with the feelings expressed by the tough-talking museum director, who suggested that Russia should keep the plundered treasures. "Soviet troops saved these art works while the Fascists wrecked ours," she said, detailing the damage to Russian museums, churches and palaces during the German invasion of Russia. "We believe that such unprecedented damage done to our country's cultural heritage



Portrait of a Lady by Van Der Voort

should be compensated." However, the German Government made it clear within minutes of the exhibition being opened that it still wants the masterpieces returned to their original owners, according to an agreement signed in 1993.

"The German side confirms its legal position, that the original owners of cultural treasures or their descendants have not lost their right of ownership," said a statement released by the German Embassy in Moscow. Reinhold Frickinger, the embassy spokesman, made the point less delicately. "Especially

now, when Russia has lost face in the West because of the campaign in Chechnya, Russia must have a strong interest in winning back its international credibility and re-spectability," he said. Russia has said that it is missing 200,000 works of art stolen by the Nazis, including unique items such as the Amber Room, an 18th-century amber chamber formerly located at an imperial Russian palace near St. Petersburg, which disappeared after it was dismantled by the SS and taken away as booty.

Germany maintains that it has already returned 24,000 plundered artworks but that it is still waiting for the Russians to reciprocate. It claims that it lost half a million items from museums, libraries and private collections located in the eastern German zone occupied by the Red Army.

While establishing the right of ownership of works taken from state-owned museums and archives should, in theory, be possible for lawyers and diplomats to resolve eventually, private owners and their descendants are likely to face a much harder task in winning back their lost

property. What makes yesterday's collection particularly complicated is that the works come from various owners. Some were taken from the Gota museum in Germany, some were looted from private homes, and some art works belonged to wealthy Hungarian Jews, who traded them for their lives when the Nazis entered Budapest.

Among the works exhibited were El Greco's *John the Baptist*; Goya's *Carnival and Female Portrait*; and Renoir's *A Bouquet of Chrysanthemums and Japanese Fan*. Three 18th-century English pictures were also featured, two landscapes by George Morland and a portrait by George Romney.

Russian art experts said that the collection's existence was kept so secret for 50 years that even Russian works by the artist, Aleksandr Venetsianov, were never revealed until yesterday.



The Fall of Man, by Lucas Cranach the Elder, one of the magnificent masterpieces hidden away from the world for half a century after the Red Army seized them in Nazi Germany, on public display at the Pushkin Museum in Moscow yesterday after restoration

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El Greco's *St John the Baptist*, another of the paintings that emerged from the secret vaults

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Car bomb kills 70 Kurds amid bitter Iraq faction feud

FROM MICHAEL THEODOULOU IN NICOSIA

MORE than 70 people were killed and scores more wounded yesterday by a powerful car bomb in northern Iraq, where rebel Kurdish groups opposed to President Saddam Hussein have been locked in a factional conflict.

The huge explosion ripped through a street lined with lorries during the morning rush hour in the crowded market area of Zakho, close to the Turkish border. The city is controlled by forces of the Kurdish Democratic Party (KDP), one of the two main rebel groups.

Many of the dead were believed to be Turkish drivers and shoppers. Several buildings were reduced to ruins and more than 20 cars were wrecked by the bomb, the first in the area of the magnitude once used in Beirut.

Western relief workers in the city expected the toll to rise overnight. Doctors were sent across the border from the US airbase at Incirlik in Turkey, home to the Western allied

force protecting Iraqi Kurds. A KDP spokesman said suspicion fell on the group's main rival, the Patriotic Union of Kurdistan, but the PUK in turn blamed agents of President Saddam, who is bitterly opposed to the autonomy Iraqi Kurds have enjoyed under the allied air cover established following the Gulf War.

Those powers seeking to perpetuate the in-fighting among the Kurds, and in particular the Saddam Hussein regime, are prime suspects behind this atrocity, the PUK said.

The bombing coincided with claims by the Iraqi National Congress, the umbrella opposition movement based in northern Iraq, that it had uncovered a plot by President Saddam's agents to assassinate Ahmed Chalabi, head of its executive council.

But one Arab diplomat in Amman said: "Saddam's certainly capable of it, but it will be hard for the Kurds to prove it when they've been shelling each other for months." Thou-

sands of people have been killed since fighting, mainly over power and territory, erupted among the Kurdish groups last spring. The latest fighting resulted from a row over revenue from sales of refined petroleum from northern Iraq to Turkey in violation of United Nations sanctions. The trade, controlled by the KDP, is one of the few sources of hard currency for the Kurds. The Western allies protecting the Kurds fear the feud could be the curtain-raiser to a civil war in a post-Saddam Iraq. The two main groups had established a parliament together three years ago which some saw as a government-in-waiting.

In Germany, a Dutch national of Kurdish origin, believed to be a high-ranking leader in Europe of the outlawed Kurdistan Workers' Party in Turkey, has been arrested and charged with being a member of a terrorist organisation, the prosecutor's office said.

Paris: France is going ahead with plans to gain a diplomatic foothold in Iraq, despite criticism from the United States and Britain, officials said yesterday.

A Foreign Ministry spokesman said Jean-François Nodinet would start work in Baghdad today as head of a newly established French interests section. M Nodinet is to be the only diplomat in the section, working under the Romanian flag, with a small staff. (Reuters)



Amnesty discloses atrocities under cover of no-fly zone

BY MICHAEL BINTON, DIPLOMATIC EDITOR

KURDISH authorities in Iraq have killed and tortured hundreds of their own people, executed combatants after surrender and committed human rights crimes on a huge scale, according to Amnesty International.

A climate of fear now pervades the northern part of Iraq where Kurds, protected by an allied no-fly zone against oppression by President Saddam Hussein, are at the mercy of their own political leaders. An Amnesty report, issued today, says there have been waves of assassinations, torture and killings of prisoners.

"There is a deep sense of betrayal felt among many

people in Iraqi Kurdistan today following the realisation that the Kurdish political leaders' promises to uphold and respect human rights were nothing more than hollow gestures," the 140-page report says.

During the past three years, hundreds of people — civilians and combatants taken prisoner — have suffered abuse by forces acting under the authority of the political parties, mainly the Kurdistan Democratic Party and the Patriotic Union of Kurdistan.

Amnesty says: "Their forces have tortured detainees held in unacknowledged detention, and killed with impunity.

Similar abuses have been committed by the forces of the Islamic Movement in Iraqi Kurdistan, the region's third political force." During widespread armed clashes in May 1994, forces of all three parties "deliberately killed combatants after surrender, some of whose bodies were allegedly mutilated."

Amnesty's report is embarrassing to Western governments, which still spend large sums to enforce the no-fly zone. Britain and America also cite oppression of the Kurds, and Saddam's blockade of northern Iraq, as a reason why sanctions against Iraq should not be eased.



Palden Gyatso, with Lord Wetherall, displaying Chinese torture instruments in the House of Commons yesterday. "I was determined to tell the outside world what was happening in Tibet," he told reporters

Tibetan monk survived 33 years in jail to tell of Chinese torture

BY MICHAEL DYNES

THIRTY-THREE years of torture, brutal beatings and ritual humiliation in Chinese prison and labour camps failed to break the spirit of Palden Gyatso, a Buddhist monk from Tibet.

Arrested for taking part in the 1959 national uprising against the illegal Chinese occupation of 1950, Palden began an ordeal which was to leave him almost deaf, toothless, haunted by memories of pain and aged before his time. But although kicked senseless by his Chinese captors, beaten with nailed sticks and kept on a starvation diet, he survived, even resorting to eating his boots. Many of his companions, who were either beaten to death or committed suicide, were not so lucky.

Only his determination to tell the world what the Chinese were doing to the Tibetan people kept him alive, he said. Yesterday, in the faded splendour of the Jubilee Rooms in the House of Commons, he got his chance.

For his defiance of leading a 100-man protest over the Chinese invasion, he was imprisoned for seven years, the first

two of which he spent in chains. As is common in Tibet, the sentence was delivered in advance of his trial. Speaking through an interpreter, Palden described the kind of tortures administered by his Chinese guards. On one occasion, an electric baton was thrust into his mouth. He regained consciousness some hours later in a pool of blood and urine, having lost 20 of his teeth. The rest fell out soon afterwards.

Electric batons are favoured by the Chinese as instruments of torture. They are designed to be used on sensitive areas of the body: the soles of the feet, nipples and genitals. They may be inserted into the anus, and female prisoners' vaginas. The electrical discharge is excruciatingly painful and the body may be gripped by convulsions. Strips of flesh may be pulled away when the baton is removed, leaving burn marks. "The high voltage is designed to maximise pain without killing," according to Helen Bamber, director of the Medical Foundation for the Care of Victims of Torture. While in prison, Palden kept



Palden breaks down as he speaks of suffering

notes and smuggled out letters describing conditions. Such acts of defiance brought further sentences, and more beatings. His arms are permanently bent from being chained to the ceiling. The guards liked to light fires under prisoners, he said. Families were often sent "invoices" for the equipment and bullets used during the prisoners' incarceration and executions.

The Chinese word for cattle is used to describe Tibetans. Chinese claims that they respect Tibetan human rights are clearly preposterous, he said.

One of his worst moments came in 1966, when some of his companions were made to sign confessions justifying their executions. Many were forced to dance and sing before they were shot, depriving them of any dignity, even at the moment of death.

Although released from Dapchi prison in 1992, Palden remains a wanted man. Instead of retreating to his monastery, he raised money from friends to buy instruments of torture from corrupt Chinese guards. After walking for two weeks across the Himalayas, he smuggled the objects into India.

Brandishing electric batons, thumb screws and serrated knives, Palden said: "I have been in Chinese prisons for 33 years. I have seen the destruction of Tibetan civilisation and culture. The only drive to stay alive was that I was determined to tell the outside world what was happening in Tibet."

America buys off Somalis for quiet last exit

FROM SAM KELLY IN MOGADISHU

AMERICAN Marines landed in Mogadishu for the second time in two years yesterday to oversee the evacuation of 1,500 UN troops from the city's blood-soaked streets.

About 150 Marines landed on a beach at the city's seaside airport by helicopter and Helicoptar cushion vessels as part of a reconnaissance mission. A further 2,000 are expected to follow. Using the services of David Morris, an Australian businessman on contract to the UN as a mediator, they succeeded in buying off Mogadishu's warlords who guaranteed safety.

According to officers in the rump UN peace-keeping force, the extraordinary deal means that the battle wagons of Ali Hassan Osman, who recently split with the on-dominant General Muhammad Farrah Aidid, will form a defensive line between the Americans and Somalis.

The US is understood to have paid up to \$30 million (£18 million) to secure the deal. The agreement included the provision of radio sets to wild Somali gunmen aboard their battle wagons so they can coordinate their movements

◊ The United States is understood to have paid up to \$30 million to secure the deal

alongside the Western armies sent to extract Pakistani and Bangladeshi troops.

In return, the Somalis agreed not to point their guns, which include anti-aircraft cannons and tank-destroying 106mm recoilless rifles, in the direction of the multi-national force as it leaves.

Earlier yesterday, about 200 men came ashore to set up a slim perimeter about two miles long and 100 yards wide along the shoreline between the port and the airport. But the runway and airport buildings were abandoned to Somalis.

The previous day, stray rounds from heavy fighting within south Mogadishu's dominant Habre Gedir clan — once all loyalists of General Aidid — disrupted attempts to lay razor wire around the cordon, and raised tensions among American commanders.

But yesterday, after hundreds of Somali women, children and men marched through the gunsmoke from battle wagons involved in the fighting, demanding an end to clan squabbles, the city seemed to breathe a collective sigh of relief.

The protest gripped many Somalis in south Mogadishu. "This is the first genuine display that the people want peace that I have seen in the past five years," said Ali Musa, a Somali correspondent for an Arab daily.

Washington: Somalia's future is in the hands of its people, Warren Christopher, the American Secretary of State, said last night. He declared that when President Clinton last year extended the US troop presence in Somalia "it was for the purpose of enabling the Somali people to step forward. We hope they will do so." (Reuters)

Mandela purge on crime

FROM MICHAEL HAMLYN IN JOHANNESBURG

PRESIDENT Mandela yesterday announced a crackdown on crime and violence in South Africa, with extra police backed by soldiers to be sent to the worst-hit areas.

A crisis meeting with national security chiefs also demanded the urgent removal of illegal weapons and moves to increase security at possible entry points. Areas where violent crime is unacceptably high included the Eastern Cape, Johannesburg province, KwaZulu/Natal, and the Western Cape.

The crime figures have been a growing blot on the record of the multiparty, multiracial Government, and damaging to tourism and investment.

□ Cape Town: Britain and South Africa signed their first post-apartheid science and technology agreement, including a \$5 million (£650,000) aid package. (Reuters)

Test-tube bid to save cedars from Lebanon peace perils

FROM CHRISTOPHER WALKER IN JERUSALEM

LEBANON has turned to modern science in an attempt to save its famed cedars, magnificent biblical trees which have survived centuries of pillage and war only to become an endangered species because of the rigours of 20th-century peace.

The Beirut newspaper, *L'Orient-Le Jour*, reported that as the result of a rescue mission launched in 1991, the first tiny test-tube trees of the species once used by Solomon to build his temple in Jerusalem have just been produced in a French laboratory.

The attempt to save the trees, which are the national symbol of the country and enjoy pride of place on its flag, was ordered because the cedars which once covered Mount Lebanon have been reduced to near extinction. Only four small forests of mature trees, some of them more than 1,500 years old and ailing, remain.

"The peace we now have in Lebanon might actually be more destructive for the cedars than the [1975-90 civil

war," said Assad Serhal, of the Society for the Protection of Nature in Lebanon. "The Lebanese have started visiting remote places that they did not dare go to during the war. Great numbers of Lebanese, as well as foreigners, are



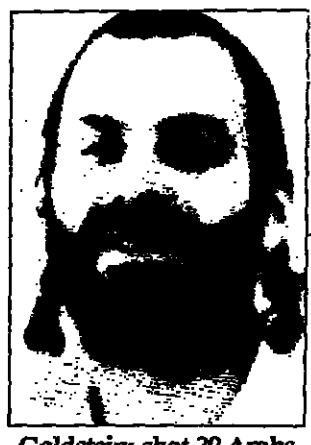
Patriotic roots: the cedar on the Lebanese flag

visiting the cedar trees and are trampling upon the new shoots, preventing regeneration." In addition to the perils of people and pollution — one of the remaining forests is threatened by fallout from cement factories near by — the cedars have been killed over

the years by a succession of occupiers. These have included Phoenicians, Persians, Greeks, Romans, Crusaders, Arabs and Turks. In the First World War, 60 per cent of the trees then remaining were cut to provide fuel for the Turkish-run Damascus-Hejaz railway.

Four years ago, the Lebanese turned to the Higher Agricultural Institute at Beauvais in France, the place where the attempts to produce the authentic shoots have finally succeeded. "The aim is to reproduce the cedar with the aim of re-afforesting Lebanon, and preserving its genetic heritage," Christine Devillard, a researcher, told the paper. She said that each seedling might eventually cost £120 if the institute first managed to raise £157,000 needed to finance the project.

Ironically, during the 15 years of civil strife, three of the four remaining forests in the Chouf mountains were under the protection of Walid Jumblatt, the Druze warlord, who proved to be a militant conservationist.



Goldstein: shot 29 Arabs

Plea to dress like killer

Jerusalem: An extreme right-wing Israeli group outlawed by the Government yesterday urged Jewish children to dress up like Baruch Goldstein, the militant settler who massacred 29 Arabs in Hebron last February, during the imminent Purim holiday. (Christopher Walker writes)

A Kach youth movement leaflet urged its branches to hold a contest for the most original costume depicting Goldstein, who was beaten to death after the massacre, in "the proper light, as a soldier of the country".

Church blamed for Rwanda genocide

FROM TOM WALKER IN KIGALI

RWANDA'S Roman Catholic Church was partly responsible for last year's genocide in the country, according to Major General Paul Kagame, the Vice-President. "The leadership of the church has always been a problem here and we must carry out reforms," he said.

His remarks, made in a recent interview, have deepened the bitter divide between the Rwandan Patriotic Front Government and the church, many of whose priests are sheltering in the refugee camps in Zaire with thousands of Hutu extremists.

The Pope's envoys in Rwanda have done little to heal the rift by sending a letter to the Ministry of Justice saying that they do not want to see the Government repeating the "same acts that were committed before and during the recent war". The letter also upbraids the Government for its human rights record and for imprisoning priests. Signed by Henryk Hoser, the Apostolic Visitor to Rwanda, and Pierre Nguyen Van Tot, the chargé d'affaires of the

nunciature, the letter accuses the Government of "denigrating and discrediting" the church and of preventing it from playing its role in society.

The letter reminds the Government that its forces were responsible for the deaths of three bishops, including the Archbishop of Kigali, Monsignor Vincent Neengiyumva, and urges it to guarantee the safe return of refugees, including priests, from the Goma and Bukavu camps.

Other voices in the Rwandan church, however, have admitted the ambivalence of its role. A recent newsletter from the diocese of Butare claimed that many priests now in refugee camps, "if not all of them, helped in the massacres of thousands of people in their parishes".

The 29 Rwandan priests sheltering in the Goma camps had earlier sent a letter to the Pope demanding that the Rwandan Government should allow all the refugees to return home and then hold a referendum to decide the country's political future.

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Clinton pressures waverers to beat budget measure

FROM MARTIN FLETCHER IN WASHINGTON

THE American Senate will tonight hold one of its most momentous votes in years, but despite weeks of passionate debate and furious last-minute lobbying the outcome is too close to call.

The 100 senators must decide whether to join the House in approving a constitutional amendment mandating a balanced federal budget by the year 2002, a measure that would have profound consequences for America's economic and political future and arguably for the Constitution itself.

A two-thirds majority is required to approve the amendment, which is the popular cornerstone of both Newt Gingrich's *Contract with America* and the Republicans' efforts to end "big Government". By yesterday morning, proponents were still a vote or two short, with five Democrats still undecided. The waverers were facing intense pressure from all sides.

President Clinton and his senior economic aides personally telephoned the waverers to stiffen their resistance. The Republicans flooded their states with commercials designed to foment an irresistible public demand for approval. Newspaper columnists and editorial writers produced a barrage of articles both for and against, but all at in apocalyptic terms.

A President cannot veto a constitutional amendment, but Senate approval tonight would not be the final hurdle. The amendment would still have to be ratified by 38 of the 50 states. Most of the states approve of the constitutional amendment in principle, but some fear that Congress would balance the budget by passing costs on to them.

"It is very close, maybe one vote, maybe two votes either way," Robert Dole, the Senate's Republican leader said. "I think it is going to be a cliffhanger." He appealed to voters to put maximum pressure on the five undecided Democrats — Georgia's Sam Nunn, Kentucky's Wendell Ford, Louisiana's John Breaux, and Kent Conrad and

Byron Dorgan, both of North Dakota.

The debate is over the Republicans' draconian prescription, not the severity of the problem it seeks to remedy. The Government last balanced its budget in 1969, and the national debt now totals \$3,600 billion (£2,307 billion). Interest on that debt will this year reach \$235 billion, more than any other item in the federal budget save social security and defence. After three years of slight decline, annual deficits will nearly double from \$176 billion this year to an estimated \$322 billion in 2002 because of the mounting cost of the healthcare programme.

Republicans say this level of indebtedness is unsustainable and destroying America's economic wellbeing. They argue that a craven Congress has proved incapable of making the tough decisions required to balance the books, and that only a constitutional amendment will force it — or give it the cover — to do so. "The very future of our country depends on this," said Hank Brown, a Colorado Senator.



Nunn: under pressure from Republicans

"We are living high on the hog and forcing future generations to pay for our excessive spending," added Senator Charles Grassley of Iowa.

Opponents agree on the severity of the problem, but deplore the Republicans' solution on both constitutional

and economic grounds. Constitutionalists argue that Congress already has all the powers it needs to balance the budget and must not needlessly flounder with the Constitution.

"We are saying we need a constitutional amendment to give us spine," protested Robert Byrd, a Democratic senator from West Virginia. "The Constitution should not be trivialised with an amendment that addresses a problem that arose from a bout of fiscal insanity in the 1980s," added Pete Stark, a Californian Democrat.

The constitutionalists fear that Congress would circumvent the amendment, either through accounting gimmicks or by annually producing the three-fifths majority necessary to override it, thus debasing the Constitution. Alternatively, the judiciary would have to step in to cut spending or raise taxes because Congress had failed to do so, thereby radically altering America's balance of power.

The constitutionalists also argue that the Constitution should not be amended to settle a debate over policy rather than rights. The last such "policy" amendment, the 18th, introduced Prohibition in 1917 and was the only one ever repealed.

Economists fear the amendment could turn recessions into depressions by barring increased government spending to boost the economy. It would also require an estimated \$1,200 billion in spending cuts or additional revenues by 2002, potentially devastating basic government services and stalling the economy. Republicans have refused to spell out exactly how they would balance the budget, saying Congress would never approve the amendment if they did.

Polls show nearly 80 per cent support for the balanced budget amendment, though that support diminishes sharply when respondents are told that the amendment would require deep cuts in fields such as education or healthcare. The House approved the amendment last month by 300 votes to 132.



A Brazilian samba dancer performing during the dance championships at Rio de Janeiro's Carnival. The country's biggest celebration exploded into life with fireworks and a display by thousands of glittering dancers twirling to a pulsing samba beat. The contestants, from 18 samba schools, danced to the rhythm provided by hundreds of feathered and sequined drummers, rousing the 70,000 spectators to a roar. The carnival parades began with complaints that the pre-Lenten festival was abandoning its roots in

Blonde dancers anger Carnival traditionalists

Brazil's poor black and mulatto population by featuring floats with blonde performers. Female dancers dress only in G-strings, high heels and sequins, and several of the samba schools entered in this year's competition are

featuring blonde actresses and models. The switch has infuriated such Carnival veterans as Leci Brandão, a 50-year-old black singer and feminist. She says the samba schools are ignoring Carnival's roots and putting

blondes on their floats to get more publicity. "There's going to be a confrontation between traditionalists and brown-nosers there on the avenue," she said. The main object of her ire is Monique Evans, a model with close-cropped hair described by *Vega* magazine as an "android debutante". (Reuters)

Pope sends peace envoy to Andes

Rome: The Pope has sent Cardinal Carlo Furno to Andean neighbours Ecuador and Peru to persuade their leaders to respect a ceasefire and peace treaty aimed at ending fighting along their border.

Joaquin Navarro-Valls, the Vatican chief spokesman, said: "The decision to send an envoy is a further sign of how worried the Pope is over this painful conflict." (Reuters)

Terrified maid who lied under oath gives fresh hope to O.J. defence

FROM GILES WHITTALL IN LOS ANGELES

O.J. SIMPSON'S fate hung yesterday on the testimony of a frightened Salvadoran immigrant who claimed she would have fled the country but for a court order for her to take the witness stand.

Rosa Lopez, who worked as a maid for the former American football star's neighbours, claims that she saw his car parked outside his house at precisely the time prosecutors accuse him of murdering Nicole Brown Simpson, his former wife, and Ronald Goldman, her friend, two miles away.

The maid's testimony, allowed by the judge to be videotaped in court yesterday after a last-minute plea by the prosecution not to have the jury present, is crucial to Mr Simpson's alibi that he was asleep at the time of the two murders, waiting for a limousine to take him to the airport. But Ms Lopez's credibility was

grievously eroded when she was caught lying under oath at an emergency court hearing last week.

Wringing her hands and periodically bursting into tears, she claimed to have bought an air ticket to San Salvador to escape the relentless media scrutiny she has endured since being mentioned as a key witness in the trial's opening statements.

When Christopher Darden, the prosecutor, said that he had telephoned the airline and found no reservations under her name, Ms Lopez admitted she had lied.

The reluctant witness was also wrongfooted when asked who had paid for her to fly in from an undisclosed address for last Friday's hearing.

At first she said her niece had paid. Then she admitted that Johnnie Cochran, the defence attorney to whom she referred throughout the day as

"Johnnie", had bought the ticket. "She promised to tell the truth," Mr Darden told the court, "and she did the exact opposite."

Judge Lance Ito nevertheless took seriously Ms Lopez's threat to flee, and allowed the

defence to call her as a witness months ahead of schedule yesterday, interrupting the prosecution's case in a rare break with normal court procedure.

Whatever the jury makes of Ms Lopez, hearts bled for her around the country as Mr Cochran revealed that two of her sons had died in the civil war in El Salvador and that she had been barred from her sister's house because of her connection with the Simpson case. Offers of employment and accommodation have flooded into Mr Cochran's office.

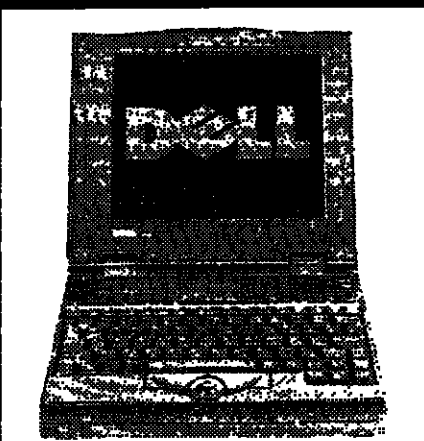
Such interest in the trial's sub-plots belie a recent poll finding that 76 per cent of adults believe its television coverage is excessive.

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A tearful Lopez as she prepared to testify

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NEWS IN BRIEF

'Blasphemy' pair flown to Germany

Islamabad: Two Pakistani Christians facing Muslim death threats after being acquitted of blasphemy have flown to Germany, airline sources said.

Salamat Masih, 14, and Rehmat Masih, 40, whose death sentences were overturned by Lahore High Court on Thursday, were said to have left Islamabad in secrecy for Frankfurt. (Reuters)

27 miners die

Quetta: At least 27 miners were killed by a methane gas explosion in a coalmine in Pakistan's province of Baluchistan, an official said. It was the region's worst mining accident. (Reuters)

Killers hanged

Cairo: Two Muslim militants who killed a German tourist and two Egyptians in the Red Sea resort of Hurghada were hanged last week, even though it was still the holy month of Ramadan. (Reuters)

Fatal stampede

Dhaka: Five Bangladeshi children and a woman were killed and 20 people injured when shantytown residents stampeded after a rumour about a clothing giveaway turned out to be false. (AP)

Down under

Sydney: Surveys show most Australians had only one or no sexual partners in the last six months, and many are often so tired they rarely have sex at all. The *Sydney Morning Herald* reported. (Reuters)

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Doctors' reluctance to diagnose schizophrenia in children deprives them of treatment and their families of support, says Dr Thomas Stuttford

THE JUDGE who tried Patrick Alesworth, the Aylesbury family doctor who stabbed and battered his daughter Sarah to death, commented unfavourably on the psychiatrist treating him for failing to detect the severity of his condition. In patients suffering from hallucinations, as Alesworth did, the condition can deteriorate rapidly, and patients become adept at hiding their thoughts and symptoms. There is, in general, a tendency to under-diagnose, and under-treat, patients who have symptoms which suggest schizophrenia. The higher the social class of the patient, the more likely this is to be so.

Should schizophrenia be diagnosed more readily; can its early warning signs be detected earlier? Alesworth, who also

Playground clues to a troubled future

booby-trapped his house so that it might have killed others in his family, said that he was obeying a hallucinatory voice which had told him to kill his daughter. He has a history of psychiatric disease extending back to the age of 16, has made repeated suicide attempts, and has been admitted for inpatient care three times in the past 14 years.

Psychotic breakdowns usually become obvious in the late teens and early adult life, but recent research has confirmed the clinical impression of doctors that it is often possible to spot early warning

symptoms in a child. The seeds of later schizophrenia must be present long before its florid symptoms make life at best difficult and sometimes intolerable.

The sooner a liability to schizophrenia can be recognised, the more possible it is to modify the child's life to avoid the factors which might precipitate a breakdown. But doctors make great efforts not to stigmatise patients by labelling them schizophrenic. The term



is reserved for those who show very well-defined, persistent and irrefutable symptoms of the disease. As a result, many patients who show schizophrenic tendencies are deprived of essential treatment, and their families of support which might keep the worst troubles at bay.

The symptoms of schizophrenia can vary enormously in gravity and in the impact they make on a patient's ability to cope with society. First symptoms can be

detected in early childhood, but thereafter personalities develop very differently. Not all the children who are known to be vulnerable because of heredity, and in whom these early warning signs can be detected, will later develop schizophrenia.

Children at high risk will be withdrawn, the watchers from the sides of the playground rather than participants. Their extreme sensitivity produces emotional lability, so that they are easily upset. Tears can be induced readily by the taunts of their fellows or by too sharp a rebuke from a teacher. They may be disruptive in the classroom and playground.

Dr Alesworth had one particularly interesting symptom which is more common than is recognised: a horror of eating in public. A phobia of restaurants has recently been explained as a reluctance to be looked at and judged. These phobias are insecure and sensitive; every meal is a minor examination with waiters, wine waiters and fellow guests as the examiners, ready to spot every drop of spit sauce and condemn every social solecism. Anxiety over being judged in the dining room extends to fear of examinations in general. Child sufferers will always require careful handling at examination times.

Village with a great heart

An isolated Italian community has become the centre of medical interest, reports Christopher Szechenyi

On the edge of Lake Garda in northern Italy, a small fishing village attracts thousands of tourists from all over the world. Each summer, they invade in busloads to enjoy Limone's blue waters against a backdrop of majestic Dolomite mountains.

Lately, Limone's tranquillity has been ruffled by a new group of visitors: a team of scientists, who are studying a small number of residents known here as the *portatori*, or the carriers.

The *portatori* go about their daily chores without paying too much attention to the scientists. But the inquisitive researchers are hard to ignore: the *portatori* have had more than their fair share of blood drawn by the scientists, who have been trying to unravel a medical mystery: why are these individuals immune from heart disease?

Some speculated it was the olives or the lemons growing on the hillsides that helped the residents of Limone to live to a ripe old age. Others thought it was their healthy hikes up and down the mountainsides. It turns out that the *portatori* carry a unique protein in their blood that prevents them from developing heart disease. Like a street cleaner removing debris, the protein carries cholesterol out of their arteries at a

much faster pace than in normal people.

"It is very interesting that nature has given us a model in human beings," says Dr P.K. Shah, one of the researchers examining the protein. "These individuals in Limone who carry this protein have a history of longevity. Most of them have lived into their eighties and nineties." So far, the protein is found nowhere else in the world other than in the *portatori* of Limone. The discovery could provide new hope in the treatment of strokes, arteriosclerosis and other heart diseases caused by the build-up of fatty deposits in our veins and arteries, which kill hundreds of thousands of people each year.

The protein has been the subject of research by scientists from the University of Milan to the National Institutes of Health in Bethesda, Maryland. In Los Angeles, according to a report in the journal *Circulation*, scientists working with Dr Shah at Cedars Sinai Medical Centre have found a dramatic 70 per cent decrease in the amount of plaque, or fat deposits, in the arteries of rabbits after they were given the protein.

Some of the most exciting work is taking place in Stockholm, where Swedish researchers are developing a drug from the protein which



Seventy-two-year-old Felicia Fava: her genes could carry hope for the battle against heart disease

may offer the rest of mankind protection from heart disease.

"There are a lot of problems in developing a drug for humans, but at the moment what we see today is rather exciting," says Dr Cesare Sirtori, the scientist at the University of Milan who first studied the *portatori* in Limone and discovered their secret.

Scientists at the Swedish pharmaceutical company Pharmacia, in Stockholm, are

excited too, because they have reproduced the protein in their laboratories in large quantities. And the artificially produced protein has proved remarkably effective in animal tests in Milan and Stockholm, too.

Each of the 44 *portatori* carries a gene — the result of a genetic mutation that probably occurred more than two centuries ago — that triggers production of the protein, named Apo A1 Milano by the Milan scientists who identified it. The scientists have traced the genetic mutation back to a couple, Cristoforo Pumaroli and Rosa Giovanni, who married in 1760. Their son, Giovanni, carried the protein-producing gene that mutated into the form that has passed through ten generations to today's lucky carriers.

A stroll through the cemetery here reveals many of the original *portatori* who passed the gene on to their descendants, such as Giovanni Dagnoli, who lived to be 86. It was his son, Valerio Dagnoli, a railroad worker in Milan, who 20 years ago triggered the unravelling of the mutant gene mystery when he went to see his family doctor. Signor Dagnoli had such high levels of cholesterol in his blood that a normal man would almost certainly have been crippled with serious cardiovascular problems.

"For medical science and for all the doctors I was at death's door. But I was actually fine," recalls Signor Dagnoli. For some reason his heart and arteries were clear of fat deposits. So his doctor sent him to the University of Milan to see Dr Sirtori, a pharmacologist who treats people with high cholesterol. "I was a guinea pig," says Signor Dagnoli, now 62.

After tests made it clear that Signor Dagnoli had inherited a unique gene, "I asked him, where do you come from," Dr Sirtori recalls. "He said, I come from Limone." So Dr Sirtori came to this village in the 1980s and tested the blood of each one of its 1,000 residents. He discovered 44 also had the protein — all of whom had common ancestors from whom they had inherited the gene.

Dr Sirtori discovered that



Limone's remote setting on Lake Garda

many of their ancestors had intermarried, most likely because Limone had been isolated from the rest of the world for centuries by the high mountains and huge lake.

"They intermarried for generations," Dr Sirtori says. "What is unusual and unique is that when we talk about human mutations we always talk about disease. Instead they developed a good gene." Today the *portatori* still go about their business in the village. Rolando Tosi and his

father run a souvenir store. Across the street his sister, Marcia, operates an ice-cream parlour. Up the block Elide Fava cuts hair. Up the hill, Felicia Fava waters her flowers.

The *portatori* have a one in four chance of passing the gene on to their offspring. To improve those odds, Dr Sirtori has offered a car to any couple who marry and who are both *portatori*. That would assure their offspring of being carriers too, but nobody has taken him up on the offer yet. The *portatori* know they are special, and they are increasingly excited about the possibility that other people might benefit from their good fortune.

After further tests in Milan, Stockholm and Los Angeles, the first people to get the new drug will be those at high risk of developing clogged arteries, such as people with a history of heart disease or who have undergone angioplasty.

Later, the drug might be used by anyone trying to avoid the build-up of fatty deposits in their arteries — perhaps even some of the tourists who through the streets of Limone every summer and eat heaps of tiramisu.

Chris Szechenyi is an associate producer for CBS News 60 Minutes, based in Paris.

How to tell a healthy gambler from an addict

Next time I am sure I will win

What do Dostoevsky, the Emperor Augustus and Nick Leeson, ex-trader for the bankrupt Barings, have in common? Answer: they all caused ruin to those around them because of the incalculable wagering of vast sums of money on events of uncertain outcome — such as a rise in the Japanese stock market. In yesterday's *Times*, William Rees-Mogg told of how a friend visiting the dealing room of a Swiss bank was struck by the youthfulness of the traders there — their veteran head was all of 28 years. Lord Rees-Mogg's friend was told that no one on the bank's board understood what these young men were doing: of

indeed encouraged — by what they were doing — they were engaging in professional gambling. The fact that our entire economic system rests on the principle of the bookie has never been more clear. But most of us in this country are punters at heart — 80 per cent gamble in some form or other — more since the National Lottery began. So if gambling is so central and apparently innocuous a feature of our way of life, how can one man blow in excess of £600 million in a few days of crazy dealing?

Around 2,000 people each year are referred to Gamblers Anonymous (tel 0171 384 3040), a self-help organisation for those who are addicted to gambling. Compulsive gambling can wreak exactly the same havoc with lives and families as can alcoholism: just as the alcoholic relegates everything in his or her life to second place behind the desire to keep drinking, so it is for the gambler, with the thrill of awaiting the outcome of the wager.

Compulsive gamblers even show withdrawal symptoms when they stop, similar to the symptoms of drying out in alcoholics. Just as alcoholics often lie to conceal their drinking and procure yet more drink, so compulsive gamblers deceive and steal in their frantic, unstoppable hunt for the Big Win.

Until Mr Leeson turns up to explain himself, we have no idea whether or not he is a compulsive gambler. There can be little doubt, however, that his behaviour in his Singapore dealing room over the last few days shows evidence of the pitfalls of irrationality

and tortured optimism of true gambling addicts. Research comparing gambling addicts with gamblers who do not lose control shows two main differences. First, out-of-control gamblers often have low mood and high anxiety, which they seek to alleviate with the drug-like thrill of the wager. Secondly, they tend to lose control when their debts mount, and rational thinking becomes distorted by desperation and superstitious conviction that the next big gamble will pay off.

But, to be fair to poor Mr Leeson, can he really be blamed for these blunders, any more than the young man who falls in with a "bad crowd" taking heroin? Here he was, allowed

course it is perfectly clear — by his bosses to inject the purest, headiest cocktail of risk into his veins, before every pound invested carried up to £20 of potential gains or losses. I all the additions — heroin, alcohol, tobacco — the more of it there is around, the stronger the drug, the more people will become addicts.

The youthfulness of Lord Rees-Mogg's Swiss bank dealing room only partly attributable to the razor sharp mental speed which you confers. Dealers are young for much the same reason that fighting soldiers are young: a rash optimism and capacity for heedless risk-taking. These financial foot-soldiers are selected for the very characteristics which make them vulnerable to seductive excess with fast cash, drugs, alcohol... and gambling.

And once they get into trouble — with debt arising from a few bad deals — then the fragile control over risk begins to slip and their betting becomes desperate and less rational, increasingly so as their mood plunges into anxiety mounts.

Of course, most dealers are not compulsive gamblers, else the world would be no trading banks left in the Square Mile. Yet there is no dividing line between "healthy" or "problem" gambling. Just as anyone who smokes tobacco runs the risk of escalating the habit until they are full addicted, so anyone who gambles may fall victim to the vicious circle of debt, low mood and desperate betting.

— IAN ROBERTSON

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They were proud to be brought up bearing one of banking's most celebrated names

The Baring connection

The London telephone directory tells you all you need to know about the Barings. The family members who have allowed themselves to be listed have some of the smartest addresses in the capital.

There are Barings in the King's Road and Cheyne Walk in Chelsea, Clarence Gate Gardens in Regent's Park, Ennismore Gardens in Knightsbridge and Randolph Avenue in Maida Vale. They are thoroughbred individuals, cousins of the Princess of Wales, tall, with glossy hair, sparkling eyes and perfect teeth who, even if they have no direct connections with the bank, are still members of a dynasty that the Duc de Richelieu described in 1818 as the sixth great power in Europe, alongside England, France, Russia, Austria and Prussia.

The descendants of a Dutch wool merchant who settled in Exeter in 1717, the Barings today are considered as British as toast and Marmite, as much a part of the establishment as Oxford and Cambridge, where many of them were educated. They even make an appearance in Gilbert and Sullivan's *Iolanthe*, where the Lord Chancellor has a nightmare in which "the shares are a penny and ever so many are taken by Rothschild and Baring".

"Generally speaking, they enjoy country pursuits: fishing in Scotland. They are low key, unflashy, conservative and very English," says Louise Baring, a second cousin of the bank's former chairman Lord Ashburton, now the chairman of British Petroleum.

It is aristocratic heritage is at odds with the bank's glossy, plate-glass headquarters in the City. Barings boast five different peerages, a figure not matched by any family since the Middle Ages. There was a time when the sun never set over the influences of Lords Ashburton, Revelstoke, Cromer, Howick and Northbrook. The first Lord Cromer was governor of Egypt, his son Evelyn — the first Lord Howick — ran Kenya. The third Earl of Cromer was British Ambassador to Washington, while Thomas Baring, the first Lord Northbrook, was Viceroy of India and subsequently first Lord of the Admiralty.

The bank flourished alongside the British Empire. It was Baring credit that reopened trade with America after the War of Independence and that helped to finance Britain's wars against Napoleon. Today they have a strong reputation for philanthropy: last year the Baring Foundation gave £13.7 million to charity, including £375,000 to the Housing Association's Charitable Trust, which helps to house the homeless. Tessa, the wife of Peter Baring, the bank's chairman, is a former chairman of Barnardo's.

"I would be ingenuitous if I didn't say that I was brought up with a thing about the bank and the family history and I didn't feel proud of it," Louise Baring says.

The *Sloane Ranger Handbook*, that arbiter of upper-class living gives maximum "Sloane" points to a mother who announces her



Louise Baring, saddened because the bank was so respected; and Alexander Baring, who gained brief notoriety while at Eton



Tessa Baring, left, a former chairman of Barnardo's and wife of Peter, chairman of Barings; right, Samantha Baring, Alexander's cousin



daughter is marrying a Baring. The name appears as regularly in the gossip columns as on the City pages. Alexander Baring, Lord Ashburton's son, gained brief notoriety during his school days at Eton when he was fined £87 for dodging a train fare; his cousin Samantha had an affair with the head of the bank's security divisions. Another cousin, Clarissa, was expelled from two boarding schools, was engaged briefly to a member of the Guinness clan at 17 and confessed to a drug habit, as did her sister Katie, who once dated the Militant councillor Derek Hatton.

Such racism, however, is at odds with the personalities of the brothers and Peter Baring, the brother at the centre of the clan, who have both spent more than three decades with the bank. "I

have worked for Barings all my life, that is all you need to know," Peter, 59, once told a reporter. Nicholas was until recently a non-executive director of the bank and is the chairman of Commercial Union. Their mother, Lady Rose Baring, was the elder daughter of the 12th Earl of Arundel and was Woman of the Bedchamber to the Queen. "They are hard working, very modest. They have never been fat cats," says Louise Baring. "This is why recent events have been so mind-boggling. It is very sad. The bank was respected as a very efficient institution, even though it was blue blooded. It seemed such a bedrock of solidity and non risk



JULIA LLEWELLYN SMITH

taking," Louise, who stresses her low position in the family hierarchy, will be unaffected financially by the bank's collapse. "I'm not close enough to the centre of the family, but of course it has come as an incredible shock."

The connections brought by the Baring name helped the bank to win business from wealthy individuals as well as the Government. For the younger members of the family, however, the name has been nothing but a disadvantage. Louise, a journalist, says: "It's like being born with a stammer. People perceive you as being a privileged toff. They come up to me and say things like 'I like

you personally, but I despise all you stand for'. I find it embarrassing. I don't have any money. I'm not connected with the bank at all, I'm not remotely interested in Sloaneism, yet I have this brand name."

"I suppose being a Baring would have had far greater impact in the 1950s. Then it would have guaranteed you a job. It's an identifiably OK name and if you want to move in certain circles then doors are open to you."

Today, elder sons are not automatically given top jobs in the bank: they are expected to work their way up from the bottom. Which is precisely the route by which Nick Leeson, the 28-year-old plasterer's son from Watford, rose to break one of Britain's biggest business empires.

Nobody left for a good gossip

What does it profit a woman to gain a house, garden and superstore but lose neighbours and the corner shop chat?

ABOUT six months ago I moved house. I am wary of talking about the trauma of moving because, though touched by everyone's concern over the upheaval, I soon tired of being told that moving house was up there on the stress scale with bereavement and divorce. Since it seems pretty evident to me that moving house more often than not accompanies one of those upsetting conditions, it doesn't surprise me that it should be regarded as such a crisis, though it doesn't follow that by itself it represents the biggest trauma in the world. Nevertheless, I concede that it can be unsettling. I have been unsettled.

In every way our move was meant to be an improvement: more space, bigger garden, near a park to a house. In short, with all those things that people of Saab-driving age begin to appreciate. But in exchange for the gain of space, I lost my neighbours. What's more I noticed that the little shop opposite our old flat was not replaced by a similar establishment near the new place. This is the modern urban environment: well served by supermarkets — there's a Marks & Spencer, Safeways, Boots and the rest in walking distance — but starved of the local shops that actually give one a sense of living in a community.

Writers of soap operas understand that for a society to have a sense of cohesion there needs to be somewhere in which its members can gather. Town planners seem to have forgotten this crucial fact. This has been sorely on my mind for the past six months, as it has become ever more apparent to me that a life without a friendly shopkeeper to whom one can chat over the purchase of a pint of milk is a pretty dismal life. Nobody wishes to be a non-person in his or her own community: it's isolating and it's lonely and it's unenviable.

Last Sunday I was required to talk about the rise and increasing insensitivity of gossip in the tabloid press for a radio programme, and I suddenly saw a connection. All societies are prone to gossip: gossiping is what makes communities feel like communities. But community life hardly exists now, especially in the cities, so there's nobody to gossip about and nowhere to gossip. This is what intrusive speculation about complete strangers in the public prints is all about. It is filling, or attempting to fill that gap.

If we had neighbours whose behaviour we could monitor and tut-tut over we might be less

concerned with the private life of the Princess of Wales or some soap star or other. And because we don't know these people into whose lives we are so intimately drawn, we have no responsibility towards them. Our chat gets crueler, our speculation meaner and less forgiving.

There's always been much talk of how popular culture unites society — whole departments of sociology and media studies are born of this very premise — but the connection is fake. The thing about real gossip, about people we might know, whose behaviour actually impinges on our own life, is that it is important. To make out a case for the moral attractiveness of gossip may be difficult, but at least hush-toned chat about mutual acquaintances has some authenticity. To transfer all those feelings on to people we do not know or who are fictional characters is a hideous displacement.

The febrile quality of all those yards of newspaper devoted to determining whether Ricky is better off with Natalie or Bianca is a function of our curiously unpeopled lives. We know only our friends. We're unlikely to know the names of the greengrocer's children and he probably doesn't know ours. Dammit, we're unlikely even to have a greengrocer.

This is all an impoverishment. It's not just a matter of wistfully musing about the time you could leave your front doors open, or let children play in the streets. It's the separateness of our lives that's so miserable. No wonder we feel drawn to a specious intimacy with strangers.

Meddle class BBC

THERE is something pathetic about the BBC's recent self-flagellating document *People and Programmes*. My own small irritation is with the corporation's constant desire to punish itself for its shortcomings, given that it produces the best television and radio anywhere in the world.

But I say "pathetic" in this particular instance of self-abasement because for the first time in history, with the coming of Tony Blair, it has become politically sexy to be middle class. Previously, anyone who aspired to be cool required, at least somewhere along the line, good working-class credentials.

So, with great timing, the BBC launches an attack on itself for its middle-classness. Now, I believe passionately in the BBC, but sometimes I wonder if those who work for it do.

The nasty side of Mr Fox

The countryside is teeming with foxes, but now a new Bill seeks to ban hunting them to hounds

Beatrix Potter knew all about Mr Tod. This "sandy-whiskered" gentleman, all swirling brush and dapper frock-coat, quite took Jemima Puddleduck's breath away. And given the chance he would have done so permanently.

Potter was a country girl who understood foxes were charmers and killers. Today many forget that, which partly explains why so many urban MPs will support the second reading of John McFall's Bill to ban hunting on March 3. They think Tod is the dog's raffish second cousin, a dispatcher of voles and worms. For much of the time he is indeed an innocent — but not in spring, when birds are nesting and sheep lambing.

"Last year I lost 20 lambs to the fox," says Nigel Haslam, a small Peak District farmer with 300 ewes. "I picked up 15 of them, their heads missing or tails bitten off. It's heartbreaking. You spend three sleepless weeks bringing them into the world and then have to nurse them after a fox has bitten through their windpipe."

Leuan Davies in Lampeter, Dyfed lost 18 lambs in 1993, and seven years ago witnessed an attack. "The lambs were prancing in the spring sunshine when a Macnab — that's our name for the fox — leapt over the fence, jumped on a lamb's neck and started sucking its blood. I shouted and Macnab disappeared. By the time I reached the lamb it was dead."

Mr Davies supports the local gun hunt, which uses hounds to drive foxes to waiting guns. It is extremely effective, though the McFall Bill would outlaw the practice: the nearby Rhayader gun hunt accounted for 350 foxes in a season, while the Lampeter



Foxes killed 20 lambs on one small farm last year — "heartbreaking", says the farmer

tallied 417. A similar campaign is waged by Mr Haslam. "In the run-up to lambing we're out two nights a week shooting foxes. We had 18 before Christmas and 27 since."

Fox control is also carried out by the RSPB, to protect capercaillie and other ground-nesting birds on its Abernethy reserve in the Highlands. A similar policy is undertaken by English Nature to stop fox predation on its tern colony on Scott Head Island in Norfolk.

Countrywide, foxes are reducing populations of ground-nesting birds such as

lapwings, curlews and partridges. The latter have been extensively studied by the Game Conservancy Trust, which found in a comparative study on Salisbury Plain that their numbers rose fourfold when foxes and other predators were controlled.

So the fox is a villain, yet its piratical swagger wins grudging respect from countrymen. It is seldom just "the fox" but Charlie, Tod, Reynard, Macnab or James. Despite his lamb losses, Mr Haslam thinks the fox "a fabulous animal, highly intelligent, as you have to be to survive in the

harsh conditions here". Mr Davies agrees: "You cannot blame the fox. We've mucked around with the environment, and that's why there's so many around."

As might be expected, the paeans of praise are loudest in hunting circles. The Quorn have chased foxes since 1698, and Tod is the official emblem of Leicestershire. Robin Gundry is joint master and huntsman of the Sir Watkin Williams-Wynn Hunt in Cheshire. "A fox will play chess with scent," he says. "He'll use the roads, because he knows they stink of oil and

petrol and rubber. Or he will follow established roe-deer runs so that they mask his smell. If it's a poor scenting day he'll play tricks. I've seen him crouch in a scrap of cover and wait for the hounds to pass, or double back through 20 couple of hounds. But if the scent's good he goes straight and fast, to give himself time to think."

"A fox almost sees scent in a way that's difficult for us to understand," says Robin MacKenzie, joint master of the Vine and Craven. "He knows exactly how it will work that day because it's his medium. I've seen a fox on a poor scenting day stop and grab a pheasant while hounds were 40 yards behind him in covert."

Such admiration means that while adultery can be forgiven in hunting circles, vulpicide — the killing of a fox by any means other than hounds — never can. This is understandable in the Shires, since much of that classic landscape was shaped for the chase, but hunting folk overdo the condemnation. They know that too many foxes are as bad for their sport as too few. And today the country is heaving in foxes, thriving on our take-away, throw-away society.

So the fox needs to be culled. Does it matter to him whether death comes as a rifle bullet, a shotgun charge at close range, or a hound? All three are instantaneous, but Mr McFall seeks to proscribe the last on March 3. If I were Mr Tod I would question his motives and ask myself this. Should I trust my future to the new men in grey? Or do as I have done for centuries, and rely on the gentlemen in red?

JONATHAN YOUNG
The author is editor of *The Field*

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Who will bank in the City now?

Not supporting Barings was a grotesque and dangerous error

The Barings bankruptcy is a historic defeat for the Bank of England, which raises harsh issues of national interest. Last weekend, the Bank of England tried and failed to save Barings. The Bank cannot afford to be seen to fail in such an attempt. It failed because it was not prepared to take an unquantifiable risk as the lender of last resort: if it had offered some ultimate reassurance, it could have persuaded the clearing banks — at present flush with profits — to put up any cash that was needed.

The Governor of the Bank, Eddie George, took the final decision to let Barings go, and his decision has been endorsed by the Chancellor, Kenneth Clarke. If we criticise the one, we must criticise the other. This decision is almost without precedent in British financial history and would not have been made by the central banks of most of our competitors. Nor, I think, would it have been made by any other Governor. The "lifeboat" for the less important secondary banks in 1974, and the "non-systemic" rescue of Johnson Matthey in the early 1980s, show what past practice has been. The United States, France and Japan have all followed the same rule: no serious bank should be left unsupported in a temporary crisis.

Eddie George believes his failure was justified: his case for letting Barings go to the wall needs to be examined carefully, but the onus of proof must rest with him. In even remote circumstances, British historic precedents and contemporary foreign practice are against him.

Mr George makes three points in defence of his failure to act. He says the Barings problem was not a threat to the system of British banking, but could be isolated. He says it would be wrong to spend public funds to bail out a bank with unquantifiable liability. While admitting that not doing so will do "reputational damage" to the City, he implies that bailing out Barings would have encouraged other banks in speculative risks.

The argument that the failure is "non-systemic" is entirely bogus. Whether the Bank of England likes it or not, Barings, the oldest merchant bank in London, was an integral part of the credit of the City. That credit has already been undermined by the mismanagement and vast debts of the Lloyd's insurance market. When Barings is not supported in meeting its obligations, the credit of all British banks, without exception, is damaged. Foreigners do not make fine distinctions in creditworthiness; they transact their business with banks they trust implicitly and totally. They will think that if Barings can go, no British bank would certainly be saved — not even the largest. The system of confidence has been very seriously damaged.

The "unquantified liability" argument is almost equally unconvincing. The Bank of England has long functioned

William Rees-Mogg

as the "lender of last resort". That almost always involves a risk which cannot be quantified: if the risk were quantifiable, and could be matched against assets, there would be no need for a lender of last resort. Since the nationalisation of the Bank of England in 1946, the role of lender of last resort has always involved the use of public funds, since the Bank itself has no private capital. In this case, Barings owed something between £500 million and £1 billion, and was worth somewhere between £750 million and £1 billion as a going concern. A rescue did involve risks, but the Bank of England might well have made a profit if it had taken them.

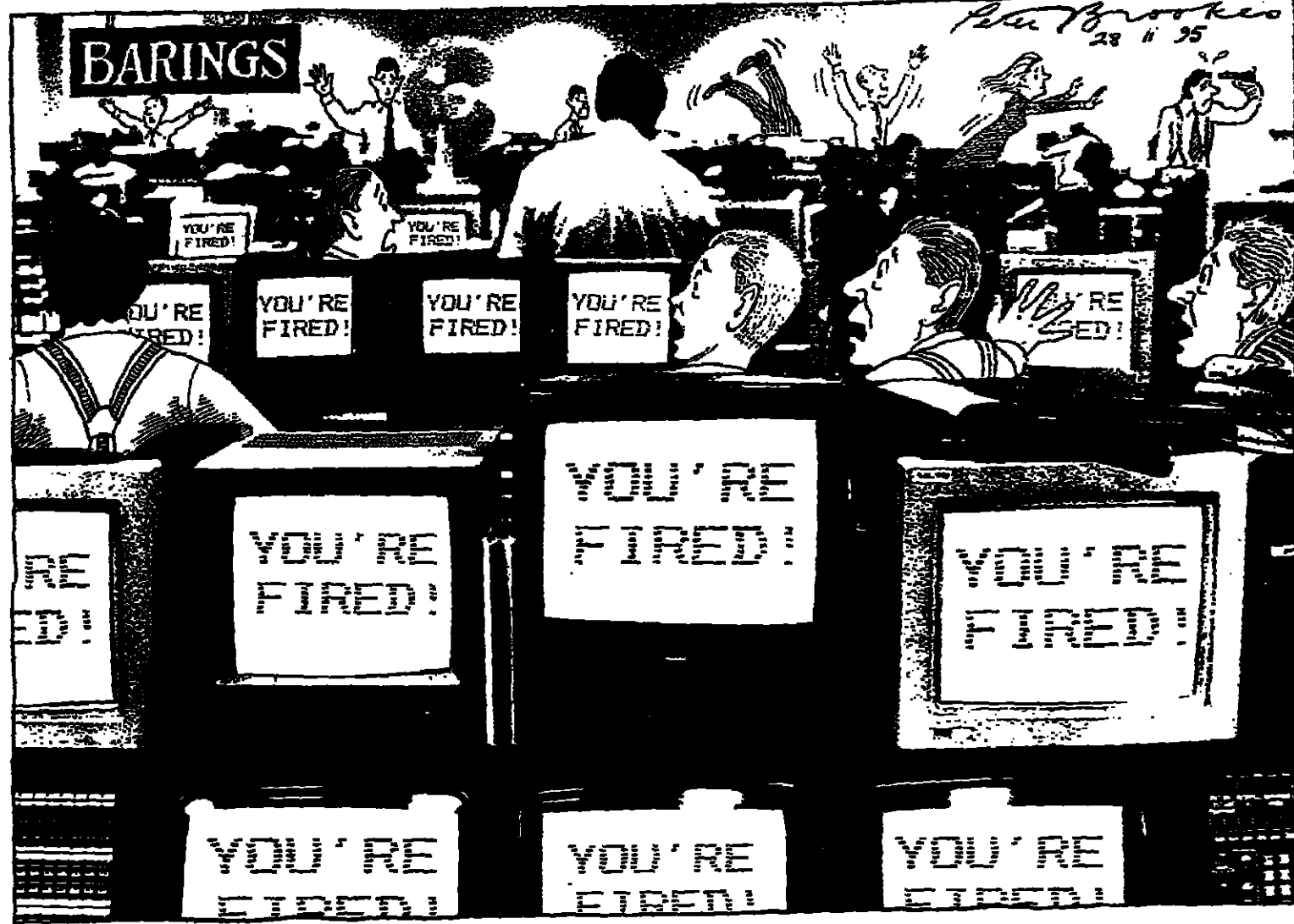
Nor does the argument that bankrupting Barings will inspire greater prudence in other banks carry weight. It is the argument for the execution of Admiral Byng — shot, as Voltaire said, "pour encourager les autres". No bank wants to lose all its equity because of the follies of one dealer. Losing £600 million is not a deliberate policy from which Warburtons or Lazard needs to be deterred.

What the Governor seems not to understand is how credit actually develops. It takes a generation, a century or several centuries to build world confidence in a financial centre. International clients must believe in the City's integrity, in its professionalism and in its reliability in all circumstances, particularly in times of difficulty. This confidence can be damaged by a single failure: in that sense all major failures are systemic. When foreign customers have their doubts — as they now do — they transact their business somewhere else. The City has no shortage of competitors in countries which would not turn their backs on a great bank in a day of trouble.

It is not, therefore, sentimentality or a desire to protect the particular interest of particular people which makes one regret the failure of Barings and the grotesque timidity of the Bank of England. It is concern for the credit of London, one of the world's greatest financial centres, and one of the most important of Britain's dwindling stock of world assets. The policy which allows such a valuable asset to be endangered seems absolutely idiotic.

The failure of the Bank of England has avoided risking at most a few hundred million pounds the credit of London, which has been put in jeopardy, may be an unquantifiable asset, but it must be measured in hundreds of billions of pounds of Britain's future earning power. The Bank of England exists to protect British credit. In this instance, it has failed in its prime duty.

A prime national asset — the City — is threatened



IDEALING IN FUTURES

Taken for a ride indeed

American lawyers have embarked on the bounty hunt of a lifetime

Stereotypes are easily recognised: that is why they are stereotypes. They come in a vast variety of shapes, colours, sizes and usages, but one is by far the most familiar. It takes the shape of a stout gentleman who wears a top-hat, a watch-chain, spurs and a monocle. In vain have I and others pointed out that nobody has worn spurs for something like half-a-century or more, and that the monocle has never been worn except at weddings or funerals.

Yet the figure lingers on, and it does so for one reason, which is itself the most deeply buried stereotype of the lot. The infinitely recognisable portrait takes the form of the stout gentleman stepping on a banana-skin, and thus falling over — top-hat, well-combed whiskers, watch-chain and all — this is very important — loud guffaws from the passers-by.

I hardly need to ask the question, but I shall. Has anyone ever clapped eyes on such a figure? You say yourself that the figure is nowhere to be found; very well, but surely the other part of the stereotype is still on the stage? Oh yes? I put you on your honour: have you ever seen anyone, anywhere, in any clothes, step on a banana-skin and fall over?

No. But all you have to do is to translate the ancient and chimerical picture into a modern and realistic version, and — although the charm has thus disappeared — the picture springs to life.

It springs to life in the unlikely shape of Queen Elizabeth the Second — not, of course, our reigning monarch (who is very far from being glib, let alone very glibly), but the ship of that name, and abbreviated to save space, to QE2.

Now you will have read a great deal about the calamity that befell the great ship, and I need only sketch out the horrors before I get to the meat on the bone. Briefly, the ship held nearly a thousand people, who were going on a Christmas cruise in the Bay of Biscay, an idea so ludicrous and even repellent that the customers almost — though not quite — deserved what followed.

What followed was what you read about sewage instead of afternoon tea; mattresses in the gangways to sleep on instead of luxurious cabins (which were anyway filled with sawdust); whitewash (in both the literal and figurative senses of the

word); hundreds of would-be passengers with valid tickets turned away from the quay; bedraggled passengers finally getting on to *terra firma*; and some of Cunard's shore staff behaving as though they would sue the passengers if even one more complaint was registered. And then the modern version of the top-hatted, monocle-wearing, banana-skinned plump gentleman took over, as I said he would. Cunard can mop up the muck in the passages, change the bed-linen, fix the lavatories, restock the farder, wear sackcloth and ashes (both course), but the plump gentleman knows better.

Have you ever heard of a firm of lawyers called Kreindler & Kreindler? No? I'm not surprised, because K & K is an American firm; I am not at all sure that they have ever taken cases here. But that doesn't matter, because now they are going to take cases here — oh yes, they are going to take cases here, many cases, very many cases, enormous numbers of cases, and even if they don't set foot in this country, the cases they will take will stretch from the Orkneys to the Bay of Fundy, wherever that may be.

(Oh, have no doubt that Kreindler & Kreindler know where the Bay of Fundy is, and would be perfectly willing to take a case there — on the normal terms, of course.)

Cunard must have realised very quickly that substantial claims would be made by the passengers whose cruise was ruined. The company therefore sensibly put aside something over £7 million: the company paid back the price of the ticket, offered a free cruise, and promised some cash in hand with the free cruises.

Seven-and-a-half million smackers: everybody happy? A pause, then a discreet cough. Somebody is not happy: Kreindler & Kreindler isn't. You see, these things are ordered rather differently in the United States, and the sum required on the other side of the Atlantic comes not to seven and a bit million, but

something between £40 and £60 million, depending on whom you spoke to last.

Now, do not point the finger at Kreindler, or even Kreindler: I am not widely known as "the lawyers' friend", but even I would not think it odd, much less shocking, if someone who thought he or she had been wronged and sought redress by monetary compensation were to invoke the aid of a lawyer. True, my eyebrows might climb a little if I overheard a lawyer and client discussing the proportions of the sums they both were looking for, but the principle of "no win, no fee" is lawful in the United States, and we can accordingly dream of hearing cries of "huge winnings", "lots of money", or even "why didn't you get me as much as the people next door, you crummy shyster?"

So the court (the American court, that is) has been asked to order Cunard to set up a fund of some £30 million (though I dare say that the sum will grow as time goes by), which will be used to bind up the wounds (actually, there weren't any wounds) and soothe the bank-balance. Here is the first demand:

A principal claim is that renovations that went on during the voyages resulted in asbestos-fibre exposure and exposure to other noxious and toxic fumes, leading to respiratory and other problems. Among other deficiencies, it is claimed that blocked passageways caused stress because of potential dangers in case of fire or emergencies. . . . Individual claims for £66,000 each have also been included in the complaint on behalf of about 120 passengers, so adding £8 million to the sum sought.

Now who will stand on either hand, / And keep the bridge with me? Or to put it more prosaically, you might be thinking that your Cunard shares might be cashed in now — had 'em a long time, you know. Alternatively, you might rely on the fairness of the American system. Experts in these matters tell me that when there is a civil case in which one side is American and the other British, it is

likely that the American side will win; at least, if the most recent figures are correct, they show that the American side won in 17,689,422 cases and the British won in 19 (two of which are going to a higher court).

The trouble is that in America, there are no half-ways when it comes to matters of law — or, more correctly, of money. Only a few months ago, I read of a libel case in the United States, in which the plaintiff demanded \$12 million: he got three dollars. On the other hand, when a burglar, intent on his burglary, fell through the skylight that he was trying to prise open and was injured, the householder had to pay him \$1.5 million.

The "no win, no fee" system has its attractions: there have recently been strings of cases in the United States, in which the losing side having to bear all the costs, however the case comes out, each side forks out, which presumably makes the business even more of a toss-up — not that that would deter an American from going to law, much less to sea.

I have never loved the sea, but that is for reasons deep, very deep, in me. (On any shore, my first action is to throw pebbles at it.) Nevertheless, I do profoundly wish that the brothers Wright had never been born. Air travel, which was going to revolutionise the world (it did, but not in the way the Wrights imagined or would have contemplated), has become a torment, and a singularly vile torment at that. Airports everywhere are manifestly designed by those who hate the human race, and sooner or later you will see headlines (well, they'd better be headlines) saying "Levin murders pilot", and you will all know that I have finally snapped. It will be because of those words from the flight-deck: "So sit back, and enjoy the flight."

I have wandered; let me finish where I started:

The legal action has been brought by Miss Christina Hall, a lawyer from Fort Lauderdale, Florida. . . . and Mr Paul Edelman, a leading New York maritime lawyer. Miss Hall docked in New York from the crossing to recount how an evening dress had been spoiled. . . .

Perhaps you should indeed sell your Cunard shares.

Bernard Levin

Grass roots

THE MARCHIONESS of Salisbury returned to the fray yesterday in the bitter row among gardeners over plans by the Royal Horticultural Society to move its world famous Lindley Library out of London. She is backing a protest campaign from her stately home, Hatfield House in Hertfordshire, and word is that her friend the Prince of Wales is among the protesters.

Lady Salisbury's shears were sharpened by an RHS circular sent out last week, saying that the library's location would be discussed at an extraordinary general meeting of the society in April. "The EGM was requisitioned by 50 RHS members at the society's annual general meeting last week. . . . It is likely to cost the charity £75,000 to organise."

She labels the circular "unfair", and says it is Sir Simon Hornby, president of the RHS, who is costing the society £75,000. "If Sir Simon had agreed to put the discussion of the library on the agenda at the meeting last week, this money would not have to be spent. It is entirely the president's fault," she says.

Lady Salisbury, 72, a former

vice-president of the society, says an alternative site for the library could be found at the former police station in Rochester Row, which comes up for sale this spring.

"There is this amazing possibility of the police station, which is so close to the RHS headquarters." Other members of the protest group agree and claim support is growing all the time. "I can tell you that members of the Royal Family have been sounded out," said one. "And they are against it."

IT'S BARINGS, . . . WILL YOU BAIL THEM OUT?



• *Hubris has caught up with the Barings. The most recent addition to the clan was born at the end of last month to Elizabeth and Jonathan — a cousin of both Lord Northbrook and Peter Baring, chairman of the stricken bank. The bouncing boy's middle name is Fortune.*

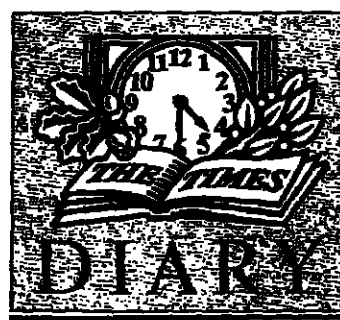
Baring down

THE BARING crisis has not been easy for Eddie George, the tubby Governor of the Bank of England. His efforts to control the situation have been all the more wearing because he should be on holiday.

He lists "family" as one of his recreations in *Who's Who*, and only on Friday he was with his wife and teenage children in Switzerland struggling with unwieldy skiing boots. A few hours and some frantic phone calls later, he was rolling up his sleeves in the office again.

Voice of terror

THE VOICE OF Gerry Adams will be heard on a suburban stage tonight. The man who dubbed the Sinn Féin leader's words for countless broadcasts when the man himself was banned is now tackling Dickens.



After a tour of Latvia, Aidan McCann opens as Dickens at the Warehouse Theatre, Croydon, tonight, in an irreverent improvised play *The Lives of Ellen Ternan*, about the reputed secret lover of the author. He will alter his voice to mask the strong Belfast accent. "I will put on the 'received pronunciation' a bit — or my version of it anyway," he says. "But I do everything in this play, so I'll slip in a little bit of Gerry Adams somewhere."

Tân drill

IN NORTH WALES, they are having trouble with their language — particularly when it comes to fire drills. Aberconwy council's policy is for public announcements to be made first in Welsh and then in English.

There was concern at the new North Wales Theatre in Llandudno that some visitors might not respond with the same urgency to cries of *Tân! Tân! as to Fire! Fire!* After fierce debate, the council voted to make an exception to the rules.

"Llandudno is a premier tourist attraction, and it was decided in the interests of safety to have the English announcement first for evacuating the theatre," says a spokeswoman. "It wasn't a unanimous decision."

• *The largest crowd attending one of Tony Blair's anti-Clause Four roadshows gathered in Bournemouth's international conference centre. The centre is built on the site of a house once owned by Sidney Webb — one of the architects of Labour's commitment to public ownership.*

Revving up

ACCURACY down to the smallest detail is assured in Tom Stoppard's new play, *Indian Ink*, which opened at the Aldwych Theatre last night with Felicity Kendal and Art Malik, thanks to the sterling efforts of Lord Monaghan of Beaulieu.

His lordship's motor museum in Hampshire has supplied recordings of engine sounds for the sec-



Beaulieu: proper vrooms

ond act, in the course of which a Maharajah calls out the models in his stable of cars.

"When I saw the preview, the sounds did not always match the models," says the motor-mad peer. "It was a bit irritating, so I offered to match them if Tom changed some of the names." Theatre-goers can now be assured of the authentic purrs of a Bentley, a Daimler, an Isotta Fraschini and a Hispano-Suiza.

Why we must back Major

Woodrow Wyatt says the Prime Minister is right over Europe

Tony Blair appeared to offer a fresh approach, in which issues would be discussed on their merits, and if the Government were forced out it would not be by tricks. Tomorrow's Labour motion, "This House does not support Government policy towards the European Union . . .", demolishes Blair's pretensions of idealism. He hopes to defeat the Government not through differences on Europe, but through the discontent of Ulster MPs with John Major's framework discussion document, which Blair heartily applauds. Also, he aims to exploit the raw nerves of the whipless Tories, who totally disagree with everything Blair and official Labour stand for in Europe.

What fun it would be to defeat the Government on a meaningless motion and then promptly force a motion of no confidence in the Government, which Blair would duly lose. This trap deserves to be defeated tomorrow night, to demonstrate that the Commons — including a large number of Labour MPs who detest the Blair drive towards a single currency and greater political subservience to the European Commission — supports the nation's mood.

Yesterday a powerful booklet, *A Europe of Nations*, was issued by the European Research Group, whose chairman is the Conservative MP Michael Spicer. Its foreword, by John Major, while not endorsing the conclusions, is by no means hostile to this contribution to debate compiled by prominent parliamentarians from 28 centre-right parties in 20 European countries. Much research and deliberation went into it.

Broadly, the contributors assert that it is not enough to say "no further". The European Commission and institutions, particularly the European Courts of Justice and of Human Rights, have sufficient power to push irreversibly on towards the disappearance of individual national sovereignty in everything that matters.

Their theme is a demand for substantial amendments to the various treaties, under which huge amounts of sovereignty have been unthinkingly lost in an arrangement which started as a large free trade area with supra-national rules required only to ensure fair internal competition among member states. Many fear the effects on our trade and prosperity if we attempt to return to square one, and that we lack the clout to do so. This is a chimera. Between 1984 and 1990, the trade deficit with our EU partners grew from £3.5 billion a year to £10.1 billion. In 1991, it dropped briefly to £9.9 billion, but it has risen since to £4.2 billion in 1993 and is still rising. As we now have a favourable balance of trade worldwide, despite the deficit with our European partners, they need us more than we need them.

The Gatt rules, bitterly opposed by France (nearly always allied to Germany), now make it impossible for the EU to block imports from Gatt countries. Our centuries-old trade across the seas is far more important, and we are busy cultivating more trade with Asian countries. Wisely, we gave independence to possessions thereabouts and to our Indian Empire. Consequently, through lasting good relations, our financial empire in these parts grows stronger. It would be wrecked by joining a single European currency, which would not merely impinge on our ability to adjust our own taxation, but prevent us from altering our exchange rates in response to the needs of trade across the seas.

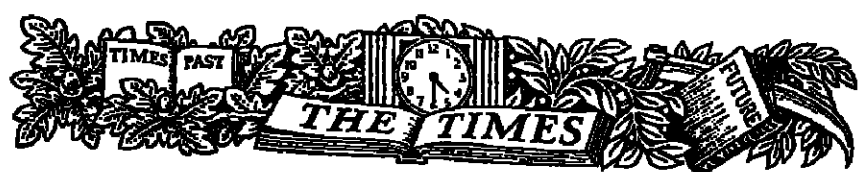
Even the Germans recognise the growing strength of our financial empire. Deutsche Bank recently moved its investment banking to London, because that is where the financial markets are run. In this context, the misfortunes of Barings are irrelevant, as the world stock markets quickly showed. This was confirmed to me yesterday from Hong Kong by a British businessman responsible for raising money for capital ventures there, in India and elsewhere in the East.

A prime object of the Common Market was to prevent Germany beginning another war. This is old-hat now, and our present anxiety must be the domination of the EU, to our detriment, by a combination of France and Germany. They are antagonistic to the United States, which we never can or should be. They insist on the restrictive common agricultural policy, towards which we are paying £6 billion gross in 1994-95, rising to £8 billion in 1996-97. We should force an end to this absurd levy.

His narrow majority, wavering at the edges, compels John Major to tread delicately, like Agag, but it is clear that his purpose is to maintain the sovereignty of Parliament and to recover any pointlessly surrendered.

I do not believe he is in favour of a single currency, although tomorrow may not be the right moment to emphasise that. But it is the right moment for all MPs elected as Tories or Unionists to back him.

P.H.S



CLOUD OVER THE CITY

London's reputation will suffer from the failure of Barings

The City of London and Britain as a whole are likely to pay dearly for the failure of Barings, the country's oldest merchant bank. Last Friday, Barings was one of the strongest and most reputable financial institutions in Britain. Two days later it is insolvent, its depositors, perhaps including the Queen, are reduced to the status of unsecured creditors: thousands of contracts across the global financial markets are in question. All of this mayhem was apparently caused by the actions of one 28-year-old man. As a big American investment manager noted: "It is kind of awesome that one man in one week could bring down a company that has been around longer than my country has."

The damage done to Britain's financial reputation will be at least threefold. First, the Barings scandal implies mismanagement on a colossal scale in a bank which had been regarded as one of the best-run in Britain. Whatever the precise details of the "unauthorised" transactions which brought down Barings, management systems should have been in place to make it impossible for any employee to perpetrate either fraud or incompetence on anything approaching this scale. If Barings could not devise or operate such systems, it should not have been involved in futures trading at all.

Coming so soon after the management failures at S.G. Warburg, the disasters at Lloyd's and the widespread irregularities in the life assurance and pensions industries, Barings casts new doubts about the quality of management in British finance as a whole. Barings has also demonstrated another management failing revealed in the Lloyd's disaster: City institutions no longer seem able to act together in the common interest, to preserve London's reputation as a financial centre, if this involves taking risks with next quarter's earnings figures.

Secondly, the failure of Barings is bound to raise questions about the credit of all British financial institutions. Although depositors can probably still assume that their

money is safe in the big clearing banks such as National Westminster or Barclays, they can no longer expect even the top flight of British-owned merchant banks to be backed up in the event of a corporate mishap.

In principle, there is much to be said for the view of the Governor of the Bank of England, Eddie George, that banks should be kept on their toes by preserving "a constructive ambiguity" about whether the authorities will come to the rescue of any particular institution that proves unable to meet its commitments. There is, however, a serious problem with this hard-headed approach. While Britain has allowed Barings to go under, the American, Japanese and continental European Governments seem more willing to stand behind their banks. Outside Britain, the principle seems to be that wiping out shareholders and sacking managers of badly run banks is enough to keep other banks on their toes. In Britain, however, depositors and commercial partners are also made to suffer. Britain's failure to save Barings can be compared with the much larger rescues organised by the French Government for Credit Lyonnais and by Japan for two obscure provincial credit unions.

Finally, Barings has shown the weakness of the Bank of England and the British Government on the global stage. The Japanese Government's unwillingness to back a Bank of England rescue of Barings contrasts starkly with President Clinton's ability to push the international community into a \$50 billion rescue for Mexico, designed primarily to allow the country to pay off American investors and financial institutions.

After the Barings debacle, British merchant banks will find it harder to compete and remain independent. They will come under growing pressure to sell out, either to clearers covered by implicit government guarantees or to foreign rivals. The City may retain its financial pre-eminence, but as a market where all but the biggest British institutions find it hard to compete.

HOT WATER

Icebergs reveal only the tip of an unresolved scientific puzzle

The enormous iceberg which has broken away from Antarctica is scientifically remarkable for reasons other than its size. Most icebergs are formed when glaciers fracture and slide off land. But this one resulted from the disintegration of continental ice-sheets which have been traditionally considered to be permanent. These Antarctic ice-sheets are deteriorating rapidly and at an accelerating rate, events associated with a 2.5°C average rise in temperatures over the past 50 years.

Similarly dramatic changes are occurring in the Arctic where warmer seas are affecting the Odden Feature, a sheet of ice which acts as one of the Earth's natural sinks, removing carbon dioxide from the atmosphere. When ice builds up round the Feature in winter, salt is discharged into the sea, making surface waters denser and causing them to sink. They carry dissolved CO₂ to the seabed, locking it into ocean sediments for millions of years. This process is changing: the deposits sank 4,000 metres in 1984, down to the seabed; today they sink only 1,000 metres — which means that the CO₂ is not locked away. The oceans are also rising twice as fast as was previously thought, according to a new survey by a NASA satellite.

What these phenomena do not prove is that they are caused or even enhanced by human activity. Before the human race existed, far more dramatic climatic shifts are known to have occurred. The only certainty about climate change is that we remain uncertain about the causes of climate change, and about its impact on the planet and its inhabitants. At the Rio Earth Summit in 1992, governments and industry

accepted the validity of the "precautionary principle". In drawing up policies, EU and American Governments have sensibly adopted a "no regrets" approach. This means that actions to lower the risk of human impacts on global warming should be justifiable in their own right — because they enhance economic efficiency, productivity and competitiveness.

Next month in Berlin, the parties to the United Nations Convention on Climate Change meet to decide whether to set more ambitious targets for controlling "greenhouse gas" emissions. EU members will be under pressure to improve on their existing pledge to curtail emissions of CO₂ to the levels of 1990 by the year 2000. But, as the recession lifts, it will be difficult to meet this target, let alone a more ambitious one, without damaging European economies.

The European Commission's proposed carbon-energy tax would be both ineffective and incompatible with the "no regrets" criterion. It is skewed in favour of coal over less carbon-rich fuels, and revenues would neither be directed to assist companies which face particularly heavy costs nor earmarked for other environmental objectives.

There is huge scope to cut emissions by improving energy efficiency without resorting to such a tax. Regardless of the truth about climate change and its causes, consumers and industry alike would gain from a Europe which used energy more efficiently. But that means identifying policies which reconcile sound environmental management with good economic practice. The Commission should apply an icepack to its head, and come up with more flexible, market-oriented and practical schemes.

THE RING CYCLE

Another boxing injury: the same searching questions

As he wrote in *The Times* yesterday, our boxing correspondent "cannot remember a fight as violent as Nigel Benn's super-middleweight title defence against Gerald McClellan". He cited other examples: a fight in 1980 between Sugar Ray Leonard and Roberto Duran, and one in 1985 between Thomas Hearns and Marvin Hagler. But, he concluded, "For sheer, unbridled savagery, those contests do not compare with the bout at the London Arena on Saturday."

McClellan, the American challenger, is now in hospital with brain damage. Less than a year after Bradley Stone, a talented young super-bantamweight from the East End, died as a result of harm done in the ring, a second boxer has been injured seriously in a professional bout in Britain. Inevitably — and not without good intentions — the call to ban boxing has been raised afresh by the British Medical Association.

To ban boxing outright would be to misunderstand both the nature of the sport and the need of the hour. To institute further reform is the proper approach. Boxing is a sport engaged in by consenting adults. Equally serious injuries are suffered in most forms of motor sport and all forms of rugby. Of course it is bloody, even brutal; and impassioned supporters will admit to occasional ambivalence about its place in modern society. But it is precisely because boxing rests on a tantalising cusp between the mo-

ral and the unacceptable, the alluring and the ugly that it has such power to attract both fighters and watchers.

Instead of banning the sport, the authorities must ask themselves why late 20th-century bodies and techniques are governed by so many rules which are still designed for the Victorian age. Boxers' limbs today are stronger than their predecessors'. Their skulls are no stronger, however. There has to be a case for the imposition of headguards at all professional fights. It is said that headguards, while offering protection in certain circumstances, can increase the spinning motion of the head when it is hit. This is surely not a problem without a solution.

A reduction in the number of rounds fought has been called for. That might not be so useful: the tactical emphasis could swing decisively away from fitness and stamina towards brute force alone. But earlier weigh-ins before bouts could be introduced with great benefit immediately. Weighed a mere day before their fight, boxers are often dehydrated at the time of contest from a deliberately induced loss of fluid. They should be weighed a few days earlier, even if this might give some the opportunity to put pounds back on before the fight. The British Board of Boxing Control is custodian of an old and honourable sport which deserves only the most careful attention. But it needs that attention — and quickly.

From Dr Valerie Flook

Sir, I am not a political animal and I am certainly not a supporter of any political party. The nearest I come to having strong opinions on politics is to have a Bourgeoisian respect for and cynicism of all politicians and their utterances. Now I think my position may be weakening as I watch the developments towards peace in Northern Ireland.

Your headline (February 23) includes a quotation, "Read it, study it, talk about it... think of the prize at the end", from a speech made by somebody who begins to look like a statesman. Mr Major may have appeared grey by contrast to his battling predecessor but in a different, quieter style he is having just as great an influence on events. Mrs Thatcher's approach seems to have been what was needed at the time: perhaps Mr Major has exactly the right style for now.

Nobody who was aware of the pleasure the people of Northern Ireland felt in being able to prepare for Christmas without fear, and continue to feel as the peace lasts, can do other than applaud Mr Major's unremitting efforts to secure permanent peace. "Read it, study it, talk about it" — I cannot remember any other politician putting a document, potentially so explosive, to the people in such a sensible, considerate way. It is significant that the ordinary people of Northern Ireland queued up to get copies at the earliest opportunity.

Now perhaps this could be followed by a more positive approach from all sections of the media. Just a small acknowledgement that a good job has been done, just a little encouragement to look for the possibilities of making this work rather than focusing on reasons why it should not work. Unlike, I think, but then my opinion of most journalists has long been lower than my opinion of most politicians. What hope for a more positive future?

Yours sincerely,
V. FLOOK,
Brahead, Ardee, Aberdeen.
February 23.

From the Reverend T. H. Robinson

Sir, It is easy to dismiss Unionist anxiety at the content of the framework document as typical intransi-

gences. There may, of course, be an element of that in their response. The document does, however, fail to address the difficulty which has dogged the administration of Northern Ireland from earliest times, namely its constitutional status.

If this is dependent on the will of the majority, as is envisaged in the presentation of the document, then the question of sovereignty will continue to underlie all the future administrative business of the province. The easy migration of people within the European Union will provide a way in which nationalists and republicans can settle there, following the improved employment opportunities promised in more peaceful times.

One can envisage the preference of the majority changing through peaceful means in a way that would be quite unacceptable to the present majority. In the intervening years there would be a return to the suspicion and manipulation which were at the heart of the government of Northern Ireland throughout the years of the Stormont administration.

As long as the continuity of the United Kingdom to include Northern Ireland is dependent on the will of the majority this will remain so. Thus the democratic principle incorporated in the document would without doubt threaten its democratic implementation.

Yours faithfully,
TOM ROBINSON
(Team Rector, Cleethorpes),
42 Queens Parade,
Cleethorpes, South Humberside.
February 23.

From Mr John A. Harding

Sir, Your selection of "main points" from the framework document suggest three possible options: union of the North with the Republic of Ireland, continuance of the union with Britain, or a strange and unconvincing mélange of both.

In the light of the constitutional changes posited by Ireland and Britain, is a fourth option not possible: that Northern Ireland become an independent sovereign state? It has many evident advantages.

As an independent state Northern Ireland might well be the smallest in Europe, but as a member of the Euro-

pean Union its viability would surely be guaranteed by the political good will and economic support of England, Scotland, the Irish Republic and all other EU members.

Yours sincerely,
JOHN A. HARDING,
9 Rosebank, Cookham, Berkshire.
February 23.

From Mr Peter Jackson

Sir, John Major has reiterated that the people of Northern Ireland will decide their own future; but surely this is not enough to reassure men and women there who have no wish to change citizenship but are having change put before them.

There was no proposal for joint bodies to be set up with Argentina to administer the Falklands and a referendum is considered inappropriate for Scotland; for UK citizens in Northern Ireland, however, both are considered appropriate.

What are the people of Ulster to feel other than that the British Government would like their proposals to be accepted? Otherwise why put them forward?

Yours faithfully,
PETER JACKSON
(Chairman, Burdon & Ball Ltd),
La Plata Works,
Hole Lane,
Sheffield, South Yorkshire.
February 23.

From the Reverend A. M. Brannagan

Sir, I am depressed at the intransigent and inflammatory way in which the so-called "framework document" has been received by Unionist politicians.

My own family came from Ireland in the famines of the 1830s. They in turn had been driven from their native Ulster by Cromwell's Scottish Presbyterians, imported to breed out the Catholic population. It is staggering that the descendants of those plantations (e.g., Mr Paisley, Mr Robinson and Mr Trimble) are still apparently trying to live in the 17th century.

Yours sincerely,
A. M. BRANNAGAN,
St Michael's Rectory,
West Felton, Oswestry, Shropshire.
February 23.

From Mr David Bramley

Sir, The current arguments over the British approach to EMU (letters, February 9, 13, 21) are archaically — and damagingly — confused. How can the UK, the leading exponent of free trade in the EU, position itself so blockheadedly against a single currency, which would do more than anything else to facilitate such trade?

The correct position should surely be this: the UK supports a single currency, administered by a central banking organisation whose terms of reference are agreed and controlled by the EU's elected member governments. It should not, under any circumstances, allow this simple trading mechanism to become a stepping stone to further political or economic integration in Europe, until such time as the future of the people of Europe show, via their national elections or referendum, that this is what they wish.

The UK has a great opportunity to lead, and be seen to lead, much of Europe to this position. Instead it is chasing its tail to find the least ignominious way of avoiding the issue. Leadership is not being all things to all people: it is thinking and acting clearly when the situation requires it. And it does.

Yours faithfully,
DAVID BRAMLEY
(Managing Director),
CIP International,
116 Avenue des Champs-Élysées,
75008 Paris.
February 25.

From Mrs Moira Marland

Sir, People against monetary union are not "a comic lot", as Nicholas Browne asserts (letter, February 21). They are a practical lot.

They know only too well that, given the political freedom we have (and which they love) — viz. the freedom of politicians to gain power by bribing voters with lavish spending promises, and when in power to repay the debt painlessly by devaluing the currency

LETTERS TO THE EDITOR

1 Pennington Street, London E1 9XN Telephone 0171-782 5000

Plans and problems for Ireland — and praise for Major

How the UK treats refugees on entry

From the Chairman of the Commission for Racial Equality

Sir, We applaud Bernard Levin's column ("A disgrace upon us", February 21) about Britain's treatment of refugees and hope that he, and others, will take the matter further. In fact, detention without a hearing has been lawful here since the Immigration Act 1971 came into force, and many thousands of people in the last 20 years have been imprisoned for varying periods without knowing whether, or when, they might be released, or whether on leaving detention they would be removed from the country or allowed to stay.

For refugees the position is particularly horrifying, more even than in the case of ordinary immigrants, because of the shock of meeting a new oppression after fleeing an old one.

Those who deal first-hand with the applicants for asylum are convinced that the overwhelming majority are genuinely fleeing from a terrifying fate and not merely seeking new economic opportunities (though it has not always been considered a sin to seek a better life, after all). Yet Britain has been refusing over 90 per cent of applicants lately. Most come from poor countries.

The racial motive behind very severe restrictions on entry has always been obvious, and it is especially devastating in dealing with refugees. To harass them after arrival and before deciding their fate, in the way Bernard Levin describes at Campsfield, is intolerable.

An administrative change could quickly alter this situation. But ultimately the law itself on immigration and asylum needs to be reformed to meet basic human rights standards.

Yours faithfully,
HERMAN OUSELEY,
Chairman,
Commission for Racial Equality,
Elliot House,
10-12 Allington Street, SW1.
February 22.

From Dr M. L. Pirouet and Mrs A. Hunt

Sir, The report by the National Audit Office, *Entry into the United Kingdom* (details, later editions, February 22), will have added to Mr Levin's concerns.

Asylum seekers may be held for up to five nights in police cells. Yet others are held in prisons in contravention of the guidelines of the UN High Commissioner for Refugees. The Home Office argues that holding them in remand wings with convicted prisoners meets the guidelines, but many people are remanded because they already have convictions.

The Minister is refusing to provide detainees with a written statement of why they are detained, and also independent monitoring of detention. Review of detention by the Home Office frequently fails to show that someone is being detained for no real reason, in contravention of Immigration Service instructions.

Yours faithfully,
M. LOUISE PIROUET,
ANTONIA HUNT (Co-ordinators,
Charter 87 for Refugees),
8 Geldart Street, Cambridge.

From Mr Norman Feltz

Sir, My grandparents, like Bernard Levin's, were refugees from Eastern Europe. My parents almost certainly owed their lives to the British tradition of asylum.

The difference between the first and last decades of this century, however, is in the higher proportion of asylum seekers who are fleeing poverty rather than political oppression and the genuine difficulty and time needed to investigate their motives, which often overlap. Enhanced facilities at the point of entry would increase applications substantially, both genuine and spurious.

Furthermore, should these unfortunate gain entry but be unable to obtain work, which is likely with current conditions of high unemployment, the taxpayer will have to stump up to cover social costs which in the first decade were borne by the immigrants who struggled to maintain themselves.

This is, sadly, a far more complex issue than Levin's laudable humanitarianism admits.

Yours faithfully,
N. FELTZ,
6 Northfield Hall, 59 North Road, N6.

Climbing life's ladder

From Mr C. J. Vaughan-Jackson

Sir, With all this talk of poverty, my wife and I reflect that we have passed through a strange evolution of lifestyles over the last four years or so.

Starting off as reasonably affluent professionals and at least "closet" Yuppies, we have progressed through "Dimkys" (Dual incomes, no kids yet) to "Orchids" (One recent child, heavily in debt) and now to "Triffids" (Three recent infants, falling further into debt). When, and to what, should we expect our next metamorphosis?

Yours faithfully,
COLIN J. VAUGHAN-JACKSON,
Mildon Cottage,
Charlton Horsthorpe,
Sherborne, Dorset.

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Business letters, page 27

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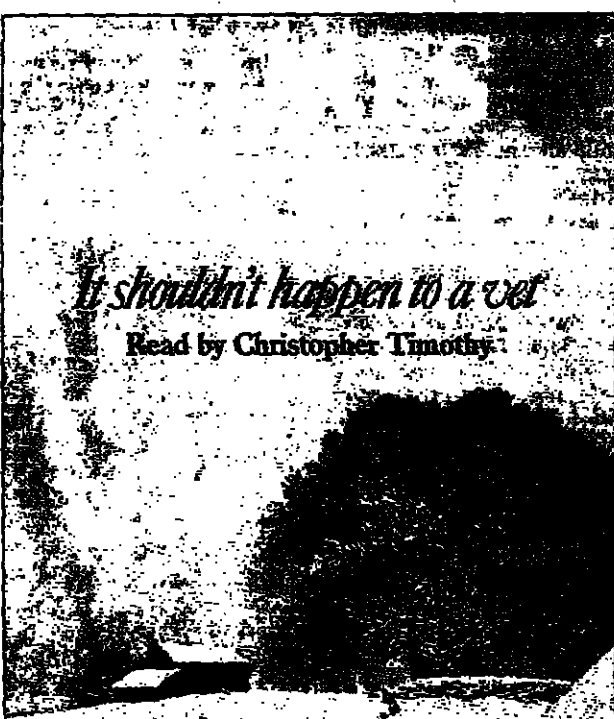
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Craney; B M Crooke; E L Crowsley;

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Forman; M J Freeman; A Frost; J D;

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Medford; D A Meehan; J;

Morgan; S M; R H Nobis; J;

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Wilson; R M; W. J. Wood;

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R Rowe.

Institute of Hospital Engineering

J D Allwork; M F Suffed.

Institute of Marine Engineers

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Precision checks are made by a professional engineer at European Gas Turbines, a subsidiary of GEC Alsthom.

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NEWS

Markets hit after Barings collapse

An inquiry into the collapse of Britain's oldest merchant bank was ordered by Kenneth Clarke as a hunt was launched for the trader who brought down Barings after gambling \$27 billion (£17 billion) on Far Eastern markets.

Share prices were sent diving around the world but the pound, which slumped to a record low against the mark at the start of business, recovered a little by the end of trading.

Nick Leeson, the 28-year-old trader, is believed to have fled to Singapore on his luxury yacht with his wife Lisa. He was last seen at work at the bank's Ocean Towers office on Wednesday. The £600 million loss was discovered next day.

Charities, local councils and a host of international banks have had funds worth £35 billion frozen in the crash. The Prince's Trust admitted that it had deposits of £1 million in Barings. Pages 1, 2, 3, 14, 15, 16, 17, 23, 25, 27

Families reunited

Three families were celebrating the return of their children, who were taken into care five years ago after allegations of ritual sex abuse. Some of the children have not been allowed to see their families. Pages 1, 5

Labour suspension

Labour has suspended four local parties in Birmingham as it launched an investigation into a £2 million "grants for votes" allegation. Page 1

IRA weapon hint

The Government softened its position on the decommissioning of IRA weapons when Sir Patrick Mayhew said that ministers might meet Sinn Féin to discuss the issue. Page 5

£2m pay deal row

Labour inflamed the row over executive pay when Gordon Brown disclosed that the chairman of National Grid has a remuneration package worth more than £2 million. Page 9

Operations 'useless'

Five of the ten operations most commonly performed in Britain are often useless or carried out inappropriately, studies have shown. Page 4

College harassment

Sexual harassment of female undergraduates by academic staff is rife throughout higher education, according to a report. Page 7

Salvation for the cedars of Lebanon

Lebanon has turned to science to try to save its fabled cedars, magnificent biblical trees that have survived centuries of war only to become an endangered species as peace brings more tourists to see them. The first tiny test-tube trees of the species once used by Solomon to build his temple in Jerusalem have just been produced in a French laboratory. Page 12

Ice sheets shrink

Almost every ice sheet along the coast of Antarctica is shrinking as warmer summer temperatures melt the frozen wastes, say scientists studying an iceberg that has broken away. Page 8

70 die in car bomb

More than 70 people were killed and scores more wounded by a car bomb in Iraq, where rebel Kurds opposed to President Saddam Hussein are locked in civil war. Page 12

Balladur loses lead

With the first round of the French presidential elections in two months, polls show that Edouard Balladur, the Prime Minister, has lost his early lead. Page 10

Treasures unveiled

Russia has unveiled a secret treasure trove of art works plundered by Soviet forces in occupied Germany, sparking a fresh custody dispute. Page 11

Claes questioned

Willy Claes, the Secretary-General of Nato, whose job is considered vulnerable because of an alleged role in a bribery scandal, has been questioned by Belgian authorities. Page 10

Senate budget vote

The US Senate votes tonight on whether to approve a constitutional amendment requiring a balanced federal budget by 2002. Page 13



American marines arrived in Mogadishu yesterday to oversee the evacuation of 1,500 United Nations troops from the city. Page 12

BUSINESS

Books: Pentos, the troubled Dillon to Ryman retailing group, has suspended dealings in its shares ahead of a rescue meeting with its bankers. Page 23

Banking: HSBC, the group that owns Midland Bank, reported a 23 per cent increase in pre-tax profits to £3.2 billion in 1994 from £2.6 billion in 1993. Page 23

Pharmaceuticals: AAH, the distributor and retailer, robustly rejected a £377 million bid from GEHE, a German pharmaceutical wholesaler. Page 25

Markets: The FT-SE 100 index fell 12.4 points to close at 3025.3. Sterling's trade-weighted index fell from 87.1 to 86.8 after a rise from \$1.5805 to \$1.5823 but a fall from DM2.3308 to DM2.3070. Page 26

SPORT

Boxing: The British board of control may again stop television interviews with boxers being held in the ring immediately after a contest in the wake of the injury to Gerald McClellan. Page 44

Rowing: Cambridge hedged their bets by announcing a squad of ten oarsmen and two coxswains for the Boat Race on April 1. Oxford named a set crew. Page 42

Rugby union: The 60-day suspension on the Wales prop, John Davies, for kicking in the match against England has been upheld by the international board's appeals committee. Page 44

Tennis: Conchita Martinez has parted company with the coach who guided her to the Wimbledon title. Page 44

ARTS

Objects of beauty: Haunting images abound in the National Gallery's spellbinding new survey of two centuries of Spanish still-life paintings. Page 37

British invasion: It seems as if virtually every production in the wings on Broadway features — or is about to feature — a British star, director or designer. Page 38

Yorkshire dance: Gillian Lynne, the Broadway and West End choreographer, is making her first full-length ballet. The *Bronzés* is about the eccentric, inspired and unorthodox literary family. Page 39

Sponsor a singer: English National Opera wants you to adopt an opera singer. It costs £100 a month for coaching and £250 to send one off on a music course. Page 39

TOMORROW

IN THE TIMES

CLASSIC CUTS Margaret Howell returns to the catwalk with her vision of nostalgia

FEE CUTTERS How do sell your house without the aid of an estate agent?

FORECAST

General: rainy spells in many areas. England and Wales will remain mild and dry but rather cloudy. There will be drizzle over the Welsh hills and some rain in the Lake District, which will become heavy later. North-east England will have rain at times but also some brighter spells.

Southern Scotland and Northern Ireland will be cloudy with heavy showers. Northern Scotland will start bright but rain and snow will spread during the day. The far north of Scotland along with Orkney and Shetland should stay showery.

London, Central S. Central N. SE, E. England, E. Anglia, E. W. Midlands: mainly dry. Sunny intervals. Wind southwest strong to gale. Max 12C (54F).

Channel Isles, SW, NW England, Wales: mainly dry with patchy drizzle. Wind southwest strong to gale. Max 11C (52F).

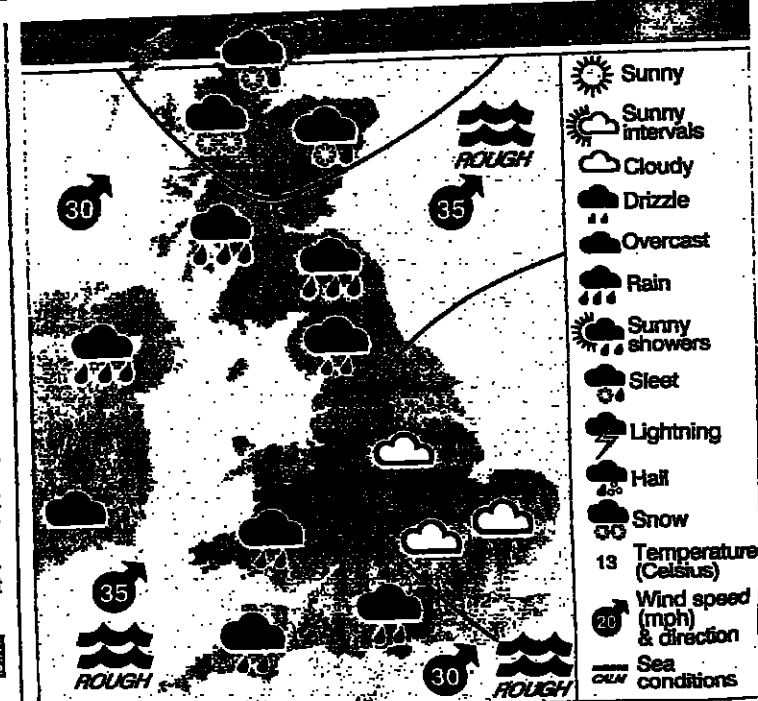
Lake District, Isle of Man, Borders, SW Scotland, Glasgow, Argyll, N. Ireland: wet with heavy rain at times. Wind southwest fresh or strong becoming west moderate. Max 9C (48F).

NE England, Edinburgh & Dundee: rain at times but some drier brighter spells. Wind southwest becoming west, fresh becoming moderate. Max 10C (50F).

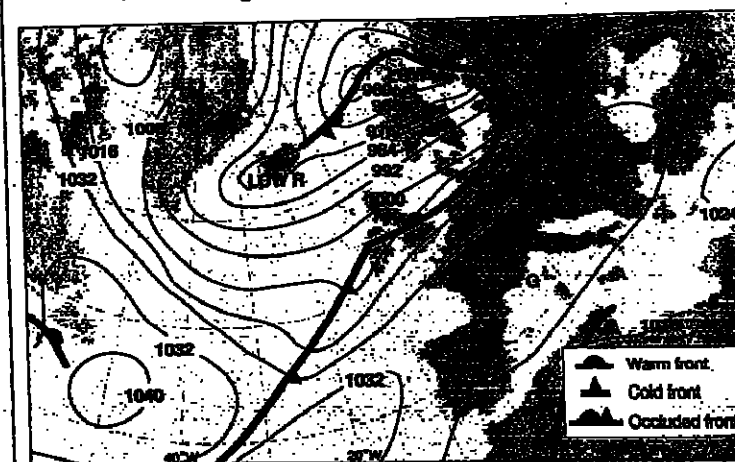
Aberdeen, Central Highlands, NW Scotland: rain turning to sleet and snow spreading from the south. Wind southwest strong becoming northwest moderate. Max 4C (39F).

Moray Firth, NE Scotland, Orkney, Shetland: bright becoming cloudy. Showers turning wintry at times. Wind west becoming gale decreasing strong. Max 5C (43F).

Outlook: becoming colder everywhere with rain changing into sleet and snow showers.



Changes to the chart below from noon: Low R and S will move northeast and start to fill. High G will slip slowly eastwards and decline.

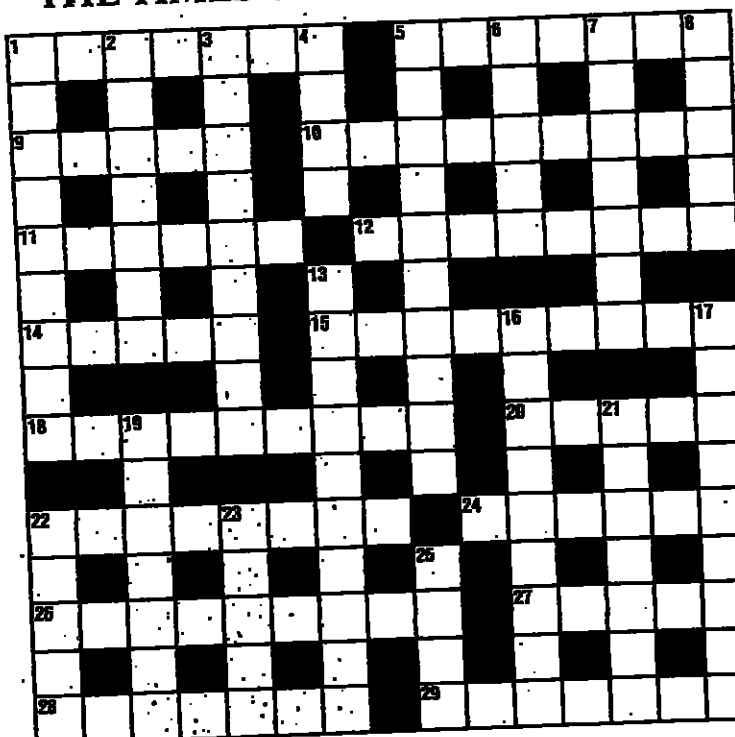


TODAY	AM	HT	PM	TODAY	AM	HT	PM
London Bridge	0.29	0.29	0.29	London	0.29	0.29	0.29
Aberdeen	0.29	0.29	0.29	Aberdeen	0.29	0.29	0.29
Manchester	0.29	0.29	0.29	Manchester	0.29	0.29	0.29
Belfast	0.29	0.29	0.29	Belfast	0.29	0.29	0.29
Cardiff	0.29	0.29	0.29	Cardiff	0.29	0.29	0.29
Edinburgh	0.29	0.29	0.29	Edinburgh	0.29	0.29	0.29
Glasgow	0.29	0.29	0.29	Glasgow	0.29	0.29	0.29
Leeds	0.29	0.29	0.29	Leeds	0.29	0.29	0.29
Liverpool	0.29	0.29	0.29	Liverpool	0.29	0.29	0.29
Newcastle	0.29	0.29	0.29	Newcastle	0.29	0.29	0.29
Nottingham	0.29	0.29	0.29	Nottingham	0.29	0.29	0.29
Sheffield	0.29	0.29	0.29	Sheffield	0.29	0.29	0.29
Sunderland	0.29	0.29	0.29	Sunderland	0.29	0.29	0.29
Swansea	0.29	0.29	0.29	Swansea	0.29	0.29	0.29
Torquay	0.29	0.29	0.29	Torquay	0.29	0.29	0.29
Weymouth	0.29	0.29	0.29	Weymouth	0.29	0.29	0.29

These are Sunday's figures

OTMS NEWSPAPERS LIMITED, 1995. Published and printed by Times Newspapers Ltd at 1 Virginia Street, London E1 9XN. Telephone 0171-252 5000 and 0171-252 5001. Industrial Estate, Killing Road, Prescot, Merseyside, L34 9JH. Telephone 0151-546 2000. Tuesday, February 28, 1995. Registered as a newspaper at the Post Office.

THE TIMES CROSSWORD NO 19,790



ACROSS

- Translation of Wilde coming out (7).
- Tale in current number (7).
- Name in clue may be Bob (5).
- Fellow with girl having no aspiration to flirt (9).
- Ties for peers (6).
- Girl with temper is cast down (8).
- Go up river in flight (5).
- Pottery, for example, sounds like manual labour (9).
- Sort of shares in favour (5).
- Fortified but defeated (5).
- They are used for cutting flowers (8).
- What's to be done? The woman is without information (6).
- Assign property (9).
- Balloon's source of ballast exhausted (5).

Solution to Puzzle No 19,789

ADAMBEDE A T S
O I Y M I S T R U S T
A G E S P S P U
B A B B R E V I A T I O N
E O A R S T
T R A V E L O P T I M I S M
R E L R E A
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V A R I O U S
E N T E R T A I N I N G
I R D V A M A Y

DOWN

- Second application gives rise to role in play (9).
- With hair standing on end, start to serve in prison block (4-3).
- Obese from too much lager, perhaps (9).
- A novelist, but he is out of work (4).
- Trouble about heartless romance with a devotee (10).
- Title-holder has to eat like a horse (5).
- Suffer from inferior vitality (7).
- Game of pitch and toss is half over (5).
- Plan to recycle liqueur (10).
- Foolish libel about member — one that can't be read out (9).
- Seat, perhaps, for a club bouncer (7).
- Blunt English hero of French novel (7).
- Appeal for church to become militant (5).
- Ventilate organ (5).
- The epithet for the River Po, lacking oxygen? (4).

For the latest AA traffic/roadworks information

24 hours a day, call 0300 401 followed by the appropriate code.

London & SE traffic, roadworks	731
Area within M25	732
South West (Bristol/Bath/Exeter)	733
West Country	734
North West (Manchester/Liverpool)	735
East of England	736
South East (London/Reading)	737
West Midlands	738
East Midlands	739
Yorkshire & the Humber	740
North East (Newcastle/Glasgow)	741
South East (London/Reading)	742
West Midlands	743
East of England	744
North West (Manchester/Liverpool)	745
South West (Bristol/Bath/Exeter)	746
West Country	747
Area within M25	748

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Times Two Crossword, page 44

HOW THE WEST HAS WON

Toucan-based Western Province was voted best for customer service in a broader survey of leading health insurers.

Ring WPA Direct FREECALL 0500 41 42 43

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Times Two Crossword, page 44

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President Aristide's army purge and his retreat on the unscreened police improve the chances of Haitian democracy surviving after American and UN forces leave. — The New York Times

Dear John
no longer



SMALL BUSINESS 30

Getting to the heart of the matter



LAW 31-36

New man in charge of running the courts



ARTS 37-39

The cruelty of death in Goya's still lifes

CAMBRIDGE
DELAY BOAT
RACE CHOICE
Sport 40-44

THE TIMES

BUSINESS EDITOR Lindsay Cook

TUESDAY FEBRUARY 28 1995

Shares weather Barings' fallout

Flight to safety boosts gilts after pound hits new low

By JANET BUSH, ECONOMICS CORRESPONDENT

STERLING "fell off a cliff" when Far Eastern markets opened on Sunday night to news that Barings would not be rescued but, as trading progressed in Europe, London's financial markets reacted with relative calm.

The pound initially slumped to a new low against the mark as part of a general flight into quality currencies and bonds, predictable given the enormous uncertainty surrounding Barings' collapse. On the stock market, the FT-SE 100 fell about 40 points early in the day, a drop of about 1 per cent. But the markets recovered some of their poise later on. The pound, which had plunged as low as DM2.2950 compared with its previous all-time low of DM2.3147, then recovered to trade at about DM2.3080 in late trading. The

Inquiry set up...
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Leading article 17
Pennington 25
Lifeboat missed 27
City's loss of nerve 27

FT-SE closed 12.4 down at 3,025.3.

The biggest stock market casualty was predictably Tokyo, where the Nikkei 225, the index whose value was the basis for the huge loss-making futures trades made by the Barings dealer in Singapore, fell 3.8 per cent or 664.24 points to close at 16,808.70. Despite the turmoil in the Far East, Wall Street took developments in its stride, showing only a small loss at midday.

Gilts closed higher despite sterling's precipitous fall, benefiting from the flight to quality, being exactly the kind of solid refuge for money investors will seek in the aftermath of the Barings collapse. Robin Aspinall of Panmure Gordon, the broker, said: "The global liquidity tournament has been tightened another notch and the flight to safety will be

reinforced." He added the open options positions believed to be held by Barings have the potential for a self-fuelling collapse of the Nikkei index and that "the central bankers of the world will have their work cut out ensuring the crucial dominoes stay upright".

The short end of the gilt market profited from the Bank of England's promise to provide liquidity to the financial system if necessary. The Barings events, dealers argued, would mean an interest rate rise is highly unlikely for the time being, even if sterling were to remain weak.

After speculation on Sunday of a 1,000-point drop in the Nikkei and a potential slump of 15 per cent in British shares, the reaction was muted.

Roger Bootle, chief economist of Midland Bank, said: "People are shocked, subdued, worried, but certainly not in a panic. After all, Barings isn't like one of the high street banks going under."

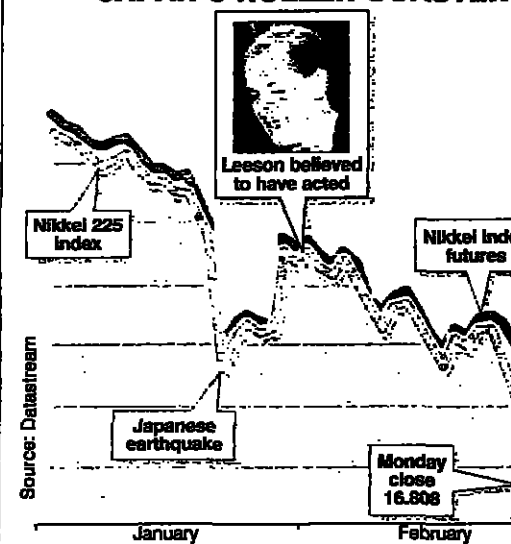
London's financial markets, although not immune to the potential ramifications of the Barings affair, are now likely to turn to tomorrow's vote in the Commons on Europe. The test of John Major's authority over European policy was already weighing heavily on sterling and the failure of the British financial establishment to rescue Barings simply adds another layer of uncertainty to the markets' mood.

Some foreign exchange dealers were even speculating that the Barings collapse would undermine the standing of the Conservative Party, closely identified since the 1980s with "wheeling and dealing" in the City.

The Italian lira and Spanish peseta hit new lows against the mark as money flooded into the German currency. The Swiss franc was also a popular haven. The Bank of Italy was forced to intervene repeatedly on the lira's behalf. The dollar, too, lost ground against the mark, ending at DM1.4560, compared with DM1.4730 on Friday night.



JAPAN'S ROLLER COASTER



Rush to sell: dealers in action on the Tokyo Stock Exchange, where shares fell almost 5 per cent to their lowest level in 14 months in early trading before recovering slightly

POUND REACTS



Clearing house closes bank's deals

By GEORGE SIVELL
ASSISTANT BUSINESS EDITOR

THE London Clearing House, the body that runs settlement of futures contracts for commodity futures and financial derivatives, yesterday closed all Barings' deals after the bank went into administration. It said that the move averted losses on London's International Fi-

nancial Futures and Options Exchange (LIFFE).

The clearing house took the formal step of declaring Barings Brothers in default. Deals undertaken by Barings itself have been closed at a profit and the surplus will be returned to the administrators of the bank. No figure was disclosed by the clearing house. Positions in futures markets taken by clients of

Barings have been transferred to other members of the clearing house.

Clearing house officials pointed out yesterday that it guards against potential defaults by monitoring the daily trading position of its members. A worst anticipated loss for each day of trading for each member is worked out and collected as a deposit. This can be paid as cash in

nine different currencies, collateral or bank guarantees.

Contracts that remain open are similarly looked at each day and a profit or loss is credited to or debited from each member's account.

The clearing house acts for the International Petroleum Exchange, the London Metal Exchange and the London Commodity Exchange in addition to LIFFE.

Pentos suspends share dealings

By SUSAN GILCHRIST

PENTOS, the troubled Dillons to Ryman retailing group, has suspended dealings in its shares ahead of a rescue meeting with its bankers.

The group called a halt to trading at midday yesterday, but it was too late to prevent 44 per cent of the stock market value of the company being wiped out amid rumours of financial trouble.

The shares fell 3½p before being suspended at 4½p. Their high last year was 41p.

The group is due to meet with Barclays and Midland, its bankers, today to decide whether to extend its refinancing deadline or put the group into the hands of receivers.

Pentos's existing £50 million bank facility expires today and the banks appear reluctant to grant the extra £20 million facility the group needs to meet its peak borrowing requirements.

The two sides have also held meetings in the past few days with venture capitalists to examine ways to inject fresh capital into the struggling business.

Electra and Schroder Ventures are believed to have been involved in these discussions.

A deal with venture capitalists appears to offer the best chance of survival for the group now the banks' stance has hardened. Another rights issue is out of the question given how far the share price has fallen since last year's cash call at 25p a share.

A trade sale of Ryman or Dillons would take too long, although there is no shortage of potential buyers. Barnes & Noble, the US bookseller, and Terry Maher, Pentos's founder, are both thought to be interested in buying Dillons.

The group is expected to announce the outcome of its talks with the banks late this evening or tomorrow morning. If the talks fail, it will join a small band of publicly quoted companies such as Polly Peck and British & Commonwealth that have been forced to call in receivers.

City Diary, page 27

Derivatives trading spoils good day for HSBC

By ROBERT MILLER



John Bond, left, and Richard Delbridge, finance director

HONGKONG and Shanghai Banking Corporation, the owner of Midland Bank, yesterday revealed the damage that trading in derivatives and securities can cause when it announced an £828 million drop in dealing profits for 1994.

Mr Bond said: "We were invited to talk at the Bank and we were prepared to be constructive. We would have participated [in the rescue] if the uncapped position could have been dealt with." He said he was satisfied that HSBC had good

controls in place over its derivatives trading positions and that there was proper regulation of the market. Commenting on the Barings collapse, he added: "It is extremely hard to regulate for a fraud of this nature."

HSBC saw a £200 million profit on its securities trading in 1993 but into a £111 million loss last year. Dealing profits in interest rate derivatives, which in 1993 produced a profit of £335 million, contributed just £2 million to the bottom line in 1994. Overall, however, HSBC reported a 23 per cent increase in pre-tax profits to £3.2 billion in 1994 (£2.6 billion in 1993). The group's board recommended a final dividend of 19p per ordinary share, which together with the interim payout of 8p, lifts the 1994 distribution to 27p a share, against 23.5p last time. The HSBC figures

were helped by a massive drop in bad debt provisions from £1.2 billion to £275 million. Reduced provisions were recorded by a number of the group's subsidiaries including Hongkong Bank, Midland Bank and Concord Leasing.

At Midland Bank, pre-tax profits rose £61 million to £905 million. Bad and doubtful debt provisions fell from £670 million to £98 million.

Midland increased its provision for possible compensation payments over personal pensions mis-selling by £37 million in addition to the £8 million set aside previously. A further £5 million was set aside, bringing the total pension provision to £50 million, for administrative expenses.

Tempus, page 26

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Names face Lloyd's insurance shortfall

By SARAH BAGNALL, INSURANCE CORRESPONDENT

LITIGATING Gooda Walker names suffered a severe blow yesterday when they heard there was only about £115 million of insurance funds available to meet their interim court award of £210 million.

The news was immediately played down by the Gooda Walker Action Group, which claimed that the figures did not reflect the real situation. Philip Rocher, at Wilde Sapre, the action group's solicitors, said that, as about £55 million was currently excluded from the interim award, "I think £115 million is a high percentage."

The £115 million has been calculated by Clyde & Co, solicitors to the errors and omissions underwriters, as the amount of insurance cover available to meet the interim award.

The firm said that the shortfall was because of agents

failing to notify their insurers of a potential claim. Mr Justice Phillips, a High Court judge, has yet to rule on the total damages that the names will receive, but full payment of any award is now in doubt.

As Nigel Brook, at Clyde and Co, said: "As further sums become due from agents, we will begin to see policies exhausting and the percentage response to the claims will get lower."

The Gooda Walker Action Group, together with all litigating names, has been acutely aware that there is a limited amount of insurance cover for the dozens of Lloyd's agencies being sued for negligence. In most instances, the agents' principal assets are their E&O cover.

The full amount of this cover is a well-kept secret, but estimates put it in the region of £1.2 billion. This is in contrast to the £3 billion-plus of claims lodged against the agencies.

The Gooda Walker Action Group was expected to have limited problems in collecting the full amount of its claim because it heads the queue of claimants.

The interim award has to be paid to names by March 10, after which it will accrue interest.

However, the agents are arguing that they should make any payment into an escrow account because of disputes over how to distribute the limited pot of E&O cover.

Currently, the ruling is on the basis of first come, first served. However, the ruling is being appealed by four action groups, led by the Janson Green Action Group, because of fears that the pot will be exhausted by the time they receive a judgment on their case.



Sitting comfortably: Michael Franks, chairman of Essex Furniture, with Ted Fisher, left, and Martin Franks saw pre-tax profits rise to £855,000 from £703,000 in the half year to December 31. The interim payout is 2.1p (1.8p), from earnings of 4.96p (4.06p)

EU doubts over Atlas link

By COLIN NARBROUGH, WORLD TRADE CORRESPONDENT

BRITISH Telecom welcomed news from Brussels yesterday that Karel van Miert, the European Commissioner for Competition, doubts whether the Atlas joint venture between the French and German state telecommunications monopolies can go ahead.

Mr van Miert informed the telecommunications ministers of France and Germany of his doubts during a weekend conference in Belgium, focusing

attention on the American dimension of the planned tie-up. Deutsche Telekom and France Telecom aim to take a 20 per cent stake, worth \$4.2 billion, in Sprint, the US long distance telephone company.

A spokesman for Mr van Miert said that at the present stage of the European competition watchdog's probe into the Atlas link-up, the commissioner doubted whether it should be cleared, primarily

because of the dominant position it would give Europe's two biggest operators.

BT, which was privatised in 1984, submitted a formal objection to the Atlas plan in December. Yesterday, BT said the Franco-German deal should not go ahead because of the overwhelming market position it would give Deutsche Telekom and France Telecom.

M0 slows along with consumer demand

By JANET BUSH, ECONOMICS CORRESPONDENT

THE Government's narrow measure of money supply, which has been growing well above target throughout the recovery, continued to decelerate gradually in February. The month saw the lowest annual growth since April.

M0, mainly notes and coins in circulation, rose by 0.5 per cent in February — slightly higher than the City had expected — leaving its annual rate of growth at 6.2 per cent, compared with 6.5 per cent in January. M0 annual growth was 7.3 per cent last October.

The monthly rise in M0 suggests a modest rebound in February's retail sales from January's very weak profile, but the slowing annual rate is consistent with a moderation of sales growth on the high street. Sales fell by 0.9 per cent in January.

Retail sales and other aspects of domestic demand are expected to weaken over coming months, partly because of the three interest rate rises since last autumn and partly because of the need round of tax increases in April.

Narrow money supply remains well above the top limit of its 0 per cent to 5 per cent monitoring range, but its deceleration in recent months is less of a worry for the authorities. The Bank of England is more concerned with the rate of growth and evidence of price pressures in industry from producer prices data and from Confederation of British Industry surveys.

M4, the measure of broad money supply monitored by the Bank of England, has consistently been weak during the recovery, counterbalancing any worries attached to M0. There are now signs that M4 is beginning to pick up a little as companies return to borrowing.

Annual growth in M4 fell in January to 4.3 per cent from 4.5 per cent in December and therefore remained near the bottom of its 3 per cent to 9 per cent monitoring range.

Court ruling backs Simon Engineering

SIMON Engineering, the specialist engineering company, said the High Court in London has upheld an injunction that stops Butte Mining pursuing a \$1 billion lawsuit against it in the United States. Simon was granted an injunction in London on February 3, which restrained Butte and David Lloyd-Jacob, its chairman, from pursuing the suit against Simon and three of its subsidiaries in the US courts.

The court in London yesterday rejected Butte's request to have the "anti-suit injunction" set aside, meaning Butte can now only initiate proceedings in the High Court in London. Simon said, Butte's US complaint was dismissed on January 31. This, combined with the injunction in London, means Robertson Group, a Simon subsidiary, is free to restore an action that it started against Butte in London in July 1992 to get Butte to honour an agreement to repay Lloyds Bank £750,000 guaranteed by Robertson.

JEB leaps to £2.9m

JEB, the holding company of the Beales chain of department stores that this month announced its intention to float on the London stock market, yesterday unveiled a 44 per cent jump in profits. Pre-tax profits rose to £2.88 million from £1.99 million in the year to October 29, on sales of £43.1 million, up from £36.5 million. Like-for-like sales rose 5.5 per cent. Michael Mitchell, chief executive, said the profit rise was partly attributable to benefits from uniform business rate rebates and a full year's contribution from Broadbents & Boothroyds of Southampton. The final dividend is 37p (27p).

Casson ban lifted

CASSON Beckman, the accountant, has been reinstated after a ban on carrying out investment business after a partner misappropriated an estimated £2 million from his clients, including Robert Palmer, the rock singer. The firm had been suspended for 30 days from February 6 by the financial services authorisation committee of the English ICA. But after a second visit by the ICA's joint monitoring unit, it has been decided to lift the ban. Institute sources said the firm had provided information sooner than expected and had answered concerns raised on the first visit.

Capita Group soars 45%

CAPITA GROUP, which provides services to the public sector, said opportunities for further growth remain considerable after lifting pre-tax profits 45 per cent to £7.9 million from £5.43 million in the year to December 31. There is a final dividend of 2.2p a share, payable on April 27, making a total of 3.3p (2.5p). Earnings increased to 10.5p a share from 7.9p. The company, which has recruited more than half of its 2,000 staff from the public sector, ended the year with cash of £9.7 million after funding an investment of £6.2 million in the cash element of acquisitions from operating cash flow.

Bid decision imminent

THE European takeover authorities are expected to decide today whether to investigate Glaxo's £9.1 billion bid for Wellcome, the rival drugs company. The news follows last Friday's move by the US Federal Trade Commission to demand extra information to determine whether the deal is anti-competitive. Glaxo said the data would be provided swiftly and believes the offer does not violate the US anti-trust laws. Glaxo said it did not know whether the request would affect the timetable of its offer. The current final closing date for the £10.25 a share offer is March 8.

Dixon Motors ahead

DIXON Motors, the motor distributor, raised new vehicle sales 30 per cent in 1994 in a market that grew 8 per cent. A further rise is expected this year even though the market is likely to be subdued. In the year to December 31, Dixons made pre-tax profits of £4.5 million, including an exceptional credit of £2.3 million from the sale of mining interests in Zimbabwe. Earnings were 12.5p a share and there is a final dividend of 2.5p a share, making a total of 3.75p. Dixon reported profits of £757,000 for the 15 months to December 31, 1993, with earnings of 10p and 22.5p total dividend.

Optimism from Akzo

AKZO NOBEL, the Dutch chemicals group created by the merger of Akzo with the Swedish Nobel group, increased its net profit, after extraordinary items, to 138 billion guilders (£450 million) last year, from 790 million guilders in 1993. The company also voiced cautious optimism about earnings prospects this year. It raised the dividend by half a guilder to seven guilders. Akzo said the underlying trend in most of its markets was positive, but that stability could be endangered by sudden crises, such as that witnessed in Mexico at the end of last year.

CHG advances to £3.2m

COMMUNITY Hospitals Group, the private nursing homes operator, said its best view of the result for the current financial year, ending June 30, envisaged pre-tax profits of between £8.5 million and £9 million, compared with actual profits of £7.74 million in the previous financial year. The company reported first-half profits yesterday of £3.2 million for the six months to December 31, rising from £2.9 million, with earnings of 6.8p a share, against 6.6p. The interim dividend is increased to 3p a share from 2.8p, payable on May 10. The shares fell 2p to 213p.

HSBC Holdings plc Results for 1994

For the year	1994	1993
Profit before tax	£3,166m	£2,584m
Profit attributable to shareholders	£2,053m	£1,806m
Earnings per share	79.60p	71.13p
Dividends per share	27.00p	23.50p
Shareholders' funds	£10,790m	£9,334m
Capital resources	£18,098m	£16,510m
Assets	£201,518m	£207,447m

- Pre-tax profit up 23% and attributable profit up 14% in sterling terms
- Pre-tax profit up 27% and attributable profit up 18% in Hong Kong dollars
- Recommended final dividend of 19 pence per share, with scrip dividend alternative
- Earnings per share up 12%
- Risk asset ratio 14.4% and tier 1 capital ratio 9.1%

Copies of the full results announcement may be obtained from HSBC Group Public Affairs, 10 Lower Thames Street, London EC3R 6AE, United Kingdom. The 1994 Annual Report and Accounts will be sent to shareholders on or about 21 April.

Incorporated in England with limited liability
Registered in England: number 617987
Registered Office and Group Head Office: 10 Lower Thames Street, London EC3R 6AE, United Kingdom

"The performance of the HSBC Group in 1994 was satisfactory, given difficult conditions in the treasury and capital markets, coupled with increased competition generally. A significant reduction in provisions and an increase in the tax charge were also important factors."

Whilst our dealing profits in the first half of the year were disappointing, there was a modest improvement in the second half, resulting in an overall profit of £261 million.

An increase in our recommended final dividend to 19 pence per ordinary share results in proposed total dividends for 1994 of 27 pence per share, an increase of 15 per cent over 1993 in sterling terms, or 21 per cent in Hong Kong dollars.

The outlook for 1995 remains challenging, but our diverse product lines, geographic spread, investments in technology and training, and commitment to quality customer service position us well for further growth."

Sir William Purves, Group Chairman

Record output for oil and gas

By COLIN NARBROUGH

THE go-ahead for two important North Sea developments coincided yesterday with figures that showed record oil and gas production in Britain last month.

A 25 per cent increase in gas output more than offset January's small decline in oil output, mainly caused by bad weather early in the month, according to the latest Royal Bank of Scotland report. Oil and gas output rose 6 per cent to 4.4 million barrels of oil equivalent per day.

Oil and gas revenues surged 10 per cent to an average £47.8 million, the highest since 1985, as crude oil prices rose and gas output increased to a record average of 10,611 million cubic feet per day. Gas revenues jumped 25 per cent to a record average of £20 million per day.

Tim Eggar, the Industry and Energy Minister, said the Government had approved proposals submitted by Shell UK Exploration and Production for development of the Guillemot A. Teal and Teal South fields about 150 kilometres east of Aberdeen.

It was timely, he said, as he had recently circulated a report on Britain's competitiveness in floating production systems to the offshore industry.

The three fields will be developed as subsea installations linked to a floating production storage vessel (FPSO), the largest of its type in the North Sea.

Exxon, the US oil group, whose UK affiliate, Esso Exploration and Production, has a 50 per cent interest in the project, matching that of Shell, the operator, put the development cost at \$800 million.

Combined reserves are estimated at about 90 million barrels of oil and 45 billion cubic feet of gas. The gas will be brought ashore at St Fergus on the Scottish east coast. Production is scheduled to start at the end of next year.

Approval was also given to Phillips Petroleum UK to develop the Dawn Field in the southern North Sea. The gas will be landed at Bacton, Norfolk. Recoverable reserves are estimated at 30 billion cubic feet.

Deal ends Bond bankruptcy

FROM RACHEL BRIDGE IN SYDNEY

ALAN BOND, one of Australia's most flamboyant entrepreneurs, walked free from bankruptcy yesterday as his creditors agreed to accept his offer of A\$3.25 million (£1.5 million) to settle debts of A\$622 million (£290 million).

Leaving the creditors' meeting in Sydney yesterday, Mr Bond said: "I am very pleased to see that it was annulled. I can now get on with some consultancy business."

Robert Ramsay, the bankruptcy trustee, had hoped to persuade Mr Bond's creditors to postpone the meeting to give him more time to continue his search into Mr Bond's overseas financial affairs. Late last week, Mr Ramsay won access to documents seized by police from Mr Bond's family, friends and business associates.

However, creditors who have been funding the search for Mr Bond's missing assets, decided yesterday to end the saga, which has dragged on for more than three years. Mr Bond had threatened to withdraw his offer if there were any more

delays to the twice-adjourned meeting of creditors.

Mr Ramsay, clearly disappointed, confirmed that all investigations into Mr Bond's affairs would now cease.

The creditors' acceptance of Mr Bond's deal is another chapter in the rags-to-riches tale of the businessman, who was born in London in 1938 and was brought, in 1949, to Australia where he went on to build a business empire that, at one stage, included three of Australia's best-selling beer brands — Castlemaine XXXX, Swan and Tooheys — as well as gold mines, newspapers and television stations. Interests overseas included stakes in Allied Lyons, the food and drinks group, M&G, the unit trust manager, and TV-am.

Alan Bond left school at 15 to become an apprentice signwriter. However, after marrying, at 19, the daughter of a businessman and politician, he entered the construction and property businesses, making himself a millionaire at 21. He became a national hero in 1983

when his consortium wrested the America's Cup, yachting's premier trophy, from the United States for the first time in 132 years in a victory that he claimed made him the "best recognised Australian."

The dream turned sour with Mr Bond's controversial foray into Lorrha, which prompted a document from the company branding Bond Corp as "technically insolvent" and which led to an unravelling of his business empire.



Bond: debt of £290 million

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Barings of bad tidings

THE echoes of the Barings crash are still rumbling around the world. Thankfully, yesterday showed that the collapse of the bank did not pose any systemic threat to the world's financial system. The financial markets are bigger than a firm which, with gross assets of only £4.5 billion, was insignificant in global terms.

But Barings' collapse does send out one unmistakable signal: the days of the independent merchant bank are numbered. The size and complexity of modern capital markets make them dangerous places. Barings is not the first bank to lose hundreds of millions of pounds by betting wrongly. It will not be the last.

The difference is that the large banks and investment banks like HSBC, Citibank, Deutsche Bank and Goldman Sachs can afford to take such knocks. The losses hurt, but they do no more than dent capital bases that are worth tens of billions of pounds. Large banks can cancel the staff bonus and hope the market is kinder to them next time.

For Barings, by contrast, such a loss spelled ruin. The bank had been phenomenally successful in the securities markets in the Eighties,

but there is always a risk attached to trading no matter how insignificant bankers claim it to be. With reserves of only £308 million, Barings had no business taking those risks. The damage when it came was caused by scandalously lax internal auditing procedures and one errant trader.

Now Barings has gone, other institutions will wonder what risk they are taking when they deal with independent banks. If Barings can crumble in a week-end, what price Kleinwort Benson or Hambros? Merchant banks owed by vast commercial parents, like BZW or Morgan Grenfell with Deutsche Bank look far more secure.

That realisation in the market should accelerate the consolidation that is already underway. Many commercial banks want to own wholesale arms to generate extra counter-cyclical profits and takeover gossip about SC

Warburg and Kleinwort Benson has become a City refrain.

That is not to say there is no place in the City and other financial centres for independent firms. But they will be restricted to advisory business such as corporate finance and fund management where capital is not a requirement. Hambro Magan has shown that a small boutique corporate finance firm can build up an impressive client list, since large corporations are prepared to shop around for the brightest brains and the best advice. These so-called boutiques first appeared on Wall Street in the eighties and the better ones have become part of the financial establishment on both sides of the Atlantic.

As the oldest independent bank in the City, Barings was always steeped in history—as its antique lined corridors attested to. Its passing is also a defining point in history. In



future the capital markets will belong to the players that are large enough to take the knocks they can throw.

Banks should stick to banking

ADVERTISEMENTS for two intriguing conferences crossed Pennington's desk yesterday. "Learn how leading fund managers use emerging market derivatives to enhance portfolio performance" trilled one, and

"overcome the difficulties of structuring, pricing and hedging complex basket warrants". The other, an international roadshow, offers insights into "the black hole case for lookback options" and "digital arbitrage", among other exotica. Such mind-bogglingly complex instruments send straightforward folk rushing to call for tough regulations on derivatives trading. They also show how hard it would be to frame regulations that would outlast more than a few months of frantic financial innovation.

For those with portfolios to hedge or arbitrage, such techniques may well be useful. Most are probably just a waste of money, although only a fool would allow any employee to buy such services without understanding fully the benefits and any risks involved. Banks make vast profits by offering derivatives products to their customers, taking calculated risks in

a role somewhere between underwriter and bookmaker.

The collapse of Barings had nothing to do with such market-making activities. It was about a young dealer gambling in a relatively simple way on the firm's account, rather than on behalf of clients. Those fatal dealings were unauthorised. But the bright young dealers who make the money have gained such prestige in banks that most treasury departments now have desks speculating on their own account. In some houses, these proprietary trades dwarf customer deals.

All bank directors worth their salt should now ask why. Banks are in the business of offering services to their customers, either for fees, interest, commission or margin. Any risks they have to take should be reflected in the charges. If asked, bank directors would stoutly insist that they are not in the

business of gambling their own capital on the financial markets. They should stop doing so. Small fry cannot afford it. Even the biggest should stop being besotted with their teenage Midases.

Vultures round a shrinking body

BARINGS foundered simply because all rescues depended on the hopeless cause of trying to close huge positions when the markets were closed. Had Barings fund management arm been sold for £450 million, it might have had £900 million to meet losses. Without an actual sale, the residual risk for City and Bank to back was small.

Those now waiting to pick up the business cheap may be disappointed. Fund management will survive intact. The rest will shrink fast. The best staff are being wooed away. Barings' proud brand name, worth many millions last Thursday, already has a negative value. And the name of a buyer known to have refused to rescue the bank will be black among customers who have suffered from the default.

AAH shares soar 122p after bid by German group

By SARAH BAGNALL

AAH Holdings, the pharmaceutical distributor and retailer, yesterday robustly rejected a £377 million bid from GEHE, a German pharmaceutical wholesaler.

John Padovan, AAH's chairman, attacked the cash offer of 420p a share as opportunistic and said it undervalued AAH and its potential.

In contrast, GEHE said the offer was generous, giving shareholders a 35.9 per cent premium to AAH's closing share price on Friday.

The offer sent the shares racing up 122p to 431p in heavy trading as 3.5 million shares changed hands. The rise was on the back of market speculation of a higher offer.

AAH's shares have had a roller-coaster ride in recent months. In December, the group revealed a 14 per cent drop in interim profits to £16.4 million and issued a profit warning. This was followed this month by a further profit warning and the announcement of a theft of £3 million of customer cheques. The news knocked 39p off the shares, leaving them at 282p. Since

then, the shares have recovered to 309p.

Dieter Kämmerer, chairman of GEHE's management board, made a stinging attack on AAH's track record: "Over the last two years, AAH shareholders have suffered from serious underperformance in AAH's share price."

GEHE calculates that in the year to February 24, 1994, AAH's shares underperformed the FTSE-100 All-Share index by 32 per cent and, in the previous year, by 46 per cent. Herr Kämmerer said: "The underperformance reflects the reaction of the stock market to the profitability and earnings per share performance of AAH in recent years."

GEHE claims that AAH's adjusted earnings per share—excluding extraordinary and exceptional items—fell between 1990 and 1994. The company's reported earnings per share have fallen 6 per cent over the past five years, while those of UniChem and Lloyds Chemists, its rivals, have risen 60 per cent and 77 per cent respectively, GEHE claims. Herr Kämmerer said that

GEHE aimed to improve AAH's performance by cutting costs, rationalising, streamlining and investing in AAH's warehouse network. He said that if the deal succeeded, GEHE would review the group's participation in non-core activities, such as environmental services, which supplies services and equipment to local authorities, and a hire fleet of 110 rubbish and street-sweeping trucks.

GEHE is Europe's largest drugs wholesaler, with annual sales in 1993 of about £4.4 billion, up 87 per cent. It has a market value of £1.4 billion. The sharp rise in turnover reflects the acquisition in 1993 of OCP, a French pharmaceutical wholesaler.

In the six months to June 30, 1994, GEHE's profits more than doubled to £48 million on turnover up from £1 billion to £3.2 billion. Net assets at December 31 stood at £497 million. Franz Hamel & Cie, a privately owned German company, owns 50.2 per cent of GEHE's issued share capital.

Tempus, page 26



Wheel of fortune: Sir Michael Straker, left, chairman of Go-Ahead Group, with Martin Ballinger, the managing director, as the bus company reported a rise in profits to £3.2 million before tax from £1.4 million for the half-year to the end of December and a maiden interim

dividend of 1.6p a share. Earnings were 6.24p a share (4.19p).

Sir Michael said the businesses in the North East, from where the company originated, continued to improve profit margins in a competitive market by achieving further cost reductions. In

Brighton and Oxford, where companies were acquired before flotation, Go-Ahead enjoyed a better summer than expected and the pre-Christmas period remained buoyant. The initial contribution from London Central was described as excellent.

Albright demand strong

By SUSAN GILCHRIST

ALBRIGHT & Wilson, the British chemical company being floated by Tenneco, its parent in the United States, reported a strong take-up of its public offer, which has been 3.6 times subscribed.

As a result, many investors will get fewer shares than they wanted. Only those applying for up to 400 shares will get their full allocations, while others will get up to 50 per cent of their full complement.

The company said that it had received applications for 216 million ordinary shares, which had been priced at 150p each. This represented a significant cut on initial market predictions of about 190p and followed reluctance from institutions to buy the shares.

Albright is one of the country's oldest chemical firms and was bought by Tenneco almost 20 years ago. It is now being floated off because the parent group wants to refocus on its core assets.

Share certificates will be posted on March 7 and dealings will begin the next day.

Allders launches Australian offer

By SUSAN GILCHRIST

ALLDERS, the duty-free to department store retailer, is bidding for M S McLeod, Australia's largest duty-free shopping group, as part of its plans to expand in the rapidly growing Asia-Pacific market.

Allders, which already has a 2.7 per cent shareholding in McLeod, is making a cash offer of A\$1 (47p) per share, valuing the Australian company at A\$33 million (£5 million).

It is, however, not the only bidder. Swissair has already offered 90 cents a share, and Lion City Holdings, a privately owned Singapore retailing group, recently agreed to acquire just under 46 per cent of the equity from the trustees of the estate of the late M. S. McLeod.

Tony Collyer, finance director of Allders, said that the Lion City deal required the approval of all of McLeod's shareholders.

"Other shareholders may now feel an offer for the whole

company is more appropriate," he said.

Mr Collyer refused to comment on whether Allders was prepared to increase its offer in the face of a higher offer from Swissair.

McLeod, which trades as Downtown Duty Free, has concessions at Sydney and Perth international airports. In the year to June 30, the company made pre-tax profits of A\$0.7 million on sales of A\$180 million.

In a separate development, Allders has agreed to acquire Regency Duty Free Stores and Made in New Zealand (MINZ), two New Zealand-based companies, for a combined price of NZ\$28 million (£12 million) in cash.

Regency is the second largest duty-free operator in New Zealand, while MINZ is a specialist retailer of souvenirs.

Together, the two businesses have turnover of about NZ\$2 million (£21 million).

Salomon hit by old loss of \$35m

FROM SEAN MAC CARTHAIGH IN NEW YORK

SALOMON Brothers, the American securities firm that took a \$194 million charge last year against bookkeeping errors in its London operations, stumbled again yesterday.

The company said it was taking a further \$35 million after-tax charge because of an error relating to a 1988 yen swap transaction. The revised figures give a fourth-quarter 1994 loss of \$157 million, or \$1.65 per share, with a full-year loss of \$399 million, or \$4.31 per share.

At the start of February, the company reported a fourth-quarter loss of \$122 million and an annual loss was initially put at \$364 million. The firm said it took the charges after discovering "unreconciled balances". It said an internal review required "a number of adjustments affecting transactions going back at least until 1989, involving many different instruments, positions and related currency effects." Then, Salomon's chief

executive, Robert Denham, said: "The operational problems, while surprisingly expensive, are resolved."

Yesterday, Salomon said it had discovered additional errors, also not caused by mischiefs, which existed in an account it believed had been reconciled in January 1991.

Salomon said it reclassified revenues previously attributed to principal transactions as revenues from interest and dividends. Interest and dividend revenues were increased by \$328 million in 1994 and \$182 million in 1993, with principal transaction revenue decreased by the same amounts. There would be no impact on total revenues or net income, the company said.

The firm said its computer systems did not accurately distinguish interest income from principal gains and losses upon the redemption of non-dollar securities, principally Mexican Tesobonos and Cetes.

C&G dissidents win their meeting

By ROBERT MILLER



Longhurst: "unnecessary"

DISSENTING members of the Cheltenham & Gloucester Building Society who oppose the £1.8 billion takeover by Lloyds Bank will be able to voice their objections at a special meeting less than one week before the takeover is put to a formal vote.

The building society yesterday announced that a meeting requisitioned by around 100 members will take place at Cheltenham town hall on the afternoon of Saturday, March 25. Six days later, members will vote on proposals to merge with Lloyds at a meeting at London Arena.

Members who oppose the takeover have formed an ac-

tion group, C&G Alternatives, to force the board to explore other options for the society and for distributing the £1.8 billion among members.

Andrew Longhurst, chief executive of the C&G, said he still believed the meeting on March 25 was unnecessary. "As the transfer document sent to voting members shows, C&G's board has already considered the major issues which the requisitioners raise and, secondly, members know they have an opportunity to express their views at the special general meeting on March 31."

The society estimates the cost of the extra meeting is

about £500,000. The agenda includes a resolution urging the board to identify ways of realising value, including a possible flotation on the stock market, for members who have been investors for less than two years; for members who have been investors for more than two years but who have not had a share account open on each day from December 31, 1992; and for borrowers.

Dissident members also want C&G to negotiate a shares alternative to the proposed cash payments to members by Lloyds Bank to enable members to defer capital gains tax liabilities.

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Geoffrey Perry
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Ravi Takhar

Nicholas Brittain
Pia Friis
Victoria Keates
Robert Plehn
Sarah Smith
Elizabeth Walker

*Joining at a later date

Patricia Tehan on the huge efforts to try to save the City's oldest bank

Why Barings missed the lifeboat

THE
TIMES
CITY
DIARY

Bearing up, considering...

IN BANKING, timing is all. But after a life of 223 years, Barings could hardly have been more out of count than in the timing of an advertisement placed in *The Sunday Times* at the weekend for a deputy head of internal audit. The text read: "This is a demanding but exciting role, as the candidate will be expected to have a significant input in all projects." The advert said the post involved overseas travel. Perhaps the personnel team was just a week too late. By Sunday, Barings' (ex) man in Singapore, Nick Leeson, was already on the run. Meanwhile, on Friday, Barings advised its London staff what bonuses they were to have been paid this week, while it was poor timing for one managing director and three vice-presidents who quit Bankers Trust's derivatives team last week to join Barings.

MEANWHILE, the City was in a dither. There once was a bank called Barings. Whose know-how fell short of its bearing. Trading options out East. They were hit by the bear. Now their lot the Old Lady is sharing.

And in joke mood, too. Post... Nick Leeson has been found wandering in a Malaysian forest. He had lost his bearings.

Safety first

THAT august body The Institute of Chartered Accountants in England and Wales, has decided to pre-empt its professional feathers. It wants the world to know that "chartered" has a special ring and significance — it signals protection for the public from the cowboys, and is happily spending £230,000 on a four-poster national campaign to say so. Roger Lawson, its president, says the public needs to know the difference between chartered and unqualified accountants. "We have had to pass very difficult exams and are subject to strict rules and discipline." The first poster went up yesterday and proclaims "It's easier to sleep with a chartered accountant". But in these troubled times, wouldn't "I believe in safe accountants" have been a runner?



"I don't know whether to leave it in the bank or have a flutter on the Grand National"

Pan-demonium

TODAY, Shrove Tuesday, 80 out of 1,400 at Linklaters & Paines line up at 12.30 to toss pancakes in Paternoster Square, as a change from throwing law books in the air, to aid of the charities Baby Life Support Systems and The London Connection.

Background shot

TERRY MAHER, founder of Pentos, simply cannot sever his links with Dillon's, the jewel in the group's tarnished crown. A BBC film crew with Maher in tow yesterday tried to gain access to Dillon's store in Gower Street, London, on the slightly dubious pretext of filming "background" footage. Maher is currently rumoured to be interested in buying the chain.

COLIN CAMPBELL

Ten years ago, the Governor of the Bank of England would have had only to raise an eyebrow and the British banking community would have leapt to attention, a rescue package would be in place, and the oldest bank in the City would have been saved.

Last weekend appeared to be a very different story. On Friday night, the heads of Britain's clearing banks and merchant banks were ushered by pink-coated parlour stewards into an emergency meeting in one of the high-ceilinged meeting rooms in the palatial eighteenth-century part of the Bank in Threadneedle Street.

There, Bank directors outlined the disaster that had befallen Barings. In spite of strict rules concerning trading and new monitoring procedures, Nick Leeson, a young trader in its Singapore office, had single-handedly put the bank out of business, by engaging in massive, unauthorised dealings in highly-complex financial instruments known as derivatives. The bankers were asked to think long and hard about how the troubled bank could be saved.

Barings became aware of the scale of its problems on Thursday night with the disappearance of Mr Leeson. Officials spent the night assessing the bank's position, and called in the Bank of England, its regulator, on Friday morning.

Eddie George, the Bank Governor, had left his office on Thursday night for a two-week skiing holiday. But he did not have the chance to put on his skis. He said that when he arrived at the chalet in Avoriaz in France on Friday, the phone was ringing and he was told the news. He took a cab back to Geneva airport, caught a standby flight to London, took a cab home and poured himself a drink. "Then I got on the phone to find out what had happened between leaving Avoriaz and arriving home."

He was back in the office on Saturday when, together with senior Bank officials and directors of Barings, he tried to quantify the liabilities of Barings and to work out a rescue strategy.

On Sunday morning, Britain's most senior bankers filed back into the Bank for a meeting. They entered through the Bank's small, unmarked Threadneedle Street entrance, where an iron door opens, and closes before they are ushered through an inner door.

Bank officials hosted a series of meetings on Sunday. The top-level meeting of about 20 senior UK bankers, including Andrew Buxton, chairman of Barclays, David Band, chief executive of BZW, Alan Moore, deputy chief executive of Lloyds, Derek Wanless,



Eddie George, forefront, and, clockwise, Buxton, Goodison, Tugendhat, Patrick Gillam, Peter Birch, Peter Walters, Peter Baring, Andrew Tuckey, Sir Martin Jacobson, Rockley, Wanless, and Rupert Pennant-Rea

chief executive of National Westminster, Lord Tugendhat, chairman of Abbey National, Sir Nicholas Goodison, chairman of TSB, and Lord Rockley, chairman of Kleinwort Benson, was held in a grand meeting room, adorned with marble fireplaces and lit by chandeliers.

In the meeting, which lasted from 10am until 8pm that night, the British banking community attempted to hammer out a lifeboat rescue for Barings. The bankers broke off only for sandwiches and coffee. Mr George chaired the meeting, breaking occasionally to catch up with developments in other meetings and to report back to the Chancellor. It was in none of their interests for the bank to

London's reputation as a financial centre was at stake

collapse. The reputation of London as a financial centre was at stake, as was the credibility of British banks trading operations overseas. In fact, the bankers came very close to putting together a rescue. Mr Buxton said: "It was not Eddie George arguing personally that there should be a rescue, and 20 bankers sitting around in a sullen heap. There was a huge amount of agreement and it was a great disappointment."

He said: "Yesterday, we all knew the Nikkei would fall further. We did not know how far or how much the speculators would bet against us between now and March 10 when the contracts expire."

The team was racing against the 8pm deadline of the opening of stock markets in Australia, and feared cutting it too close to the Japanese opening at midnight. The contracts could have been closed when the markets opened, but if two banks had been in the market, trying to close them, it could have sent the Nikkei index into freefall.

The banks would have been taking on unquantifiable risks and feared for their own reputations and businesses if the positions proved worse than expected. A banker said that unless enough capital were made available, the rescue would have failed. He added: "A half-hearted rescue is not a rescue." Another said: "I am certain that if the thing could have been quantified, it could have been rescued. The problem was the inability to cap the liabilities." After the decision to allow Barings to collapse, one player in the Far East markets said that British banks were no longer regarded as attractive counterparts. "Why take the risk when you can do it with Goldman Sachs or one of the large US houses instead?" He said the effect was to hand over a lot of perfectly sound business to competitors, simply by creating prejudice.

The hitch was Barings' position on the Nikkei contract

As news of the collapse of Barings spread and stock markets around the world opened last night, sterling crashed to a record low against the mark, sinking to 2.295 marks in early European trading after dropping to a previous record low of 2.293 marks in Asia overnight.

In London, the stock market lost more than 1 per cent at the opening. The FTSE-100 index of the top 100 leading shares was down 36.1 points to 3,001.6 when the market opened following the 3.80 per cent dive in Tokyo stock prices.

Analysts said that the bank's demise and the failure of rescue attempts had fuelled the search for safe-haven investments. Mr George battled all day to find a rescue route — and came close several times. But he was forced to admit defeat. He was grim-faced when he was driven away from the Bank. In his hand, he still clutched a document entitled *Barings: Capital Injection*.

The City's loss of nerve will cost Britain dear

Assiduous readers of early editions of *The Times* yesterday may have noticed a spectacular misjudgment. Having to write before it became clear that the support package for Barings was breaking down at the last hurdle, I assumed that the City of London would stand behind Barings' obligations.

The reasoning was simple. The consequences of allowing a major British-regulated player in financial markets to default would be too ghastly. Everyone knew that. Whatever scheme was cooked up, London would rally to the common cause and stand behind Barings on Monday morning. But it did not. The reasoning was out of date. The consequences, ghastly or not, will now unfold.

The Governor of the Bank of England and the Chancellor stressed yesterday that the causes of Barings' failure were "unique" to it. That may be true, but it is trite. There is nothing new about a maverick financial trader wreaking havoc. The deals were not mind-bogglingly complex new derivatives but relatively simple trades in long-established markets.

What happened to Barings could happen to anyone else, unless their armour of internal control has no chinks and their capital is big enough to absorb the biggest losses that might pass unnoticed. Most British banks would not pass these tests.

The first consequence of failure is to expose the decline in the status of the Bank of England and the Governor's lack of authority in the City. The Bank could not arrange a commercial solution because the most prominent firms in



GEORHAM SEARJEANT

the market could not, commercially, take on the risks involved in closing Barings' positions in Tokyo share futures. The Bank could not impose a non-commercial rescue for the common good of London.

In today's financial markets most of the big players in London do not have any special interest in preserving the mystique that made British investment banks stronger than their balance sheets. Nor could the Bank itself stand behind Barings, because the Chancellor would not allow it to risk "public money".

The Bank's independence does not stretch far. Political priorities exclude betting on the City. These changes will have come as a shock overseas. That is where the damage begins. Eight years ago, Britain threatened a financial trade war with Japan to force the Tokyo authorities to allow in the main London financial houses. They have now lost so much face that some might just as well sink away.

The Chancellor and other ministers have been traipsing round Asia trying to persuade governments to welcome the skill and solidity of British financial services firms, particularly merchant banks. The events of the weekend made that a waste of money. Neither the City nor the Government would take on the risks of Barings. In consequence, many Far East firms and investors will lose a lot of money. They will not forget. In securities markets, and in big money derivatives markets, the credit of all but the four high street banks has fallen overnight. Their name as a counterparty may be as good as the City of London, but that is no better than their balance sheet capital. In most cases, that is pathetically small. They will be obliged, one way or another, to cut back their trading.

In domestic markets, such as the Stock Exchange and Life, liquidity will gradually shrink unless they put up more capital backing. That will damage London as a financial centre and reduce returns on capital.

Raising extra capital will also become costlier. Whatever the outcome at Barings, the markets now realise that the risk of a default on banks' loan notes or preference shares must be built in to the rate of interest charged. This will rise relative to big foreign banks. On the Stock Exchange, reaction was muted yesterday. But profits that banks earn from dealing will surely be valued much lower than before. The cost of equity capital will rise. One of Britain's most successful industries will gradually, but inevitably, become less competitive. The collapse of Barings has not brought a financial panic. The long-term costs of the City's loss of nerve will be immense.

Lloyd's cash calls and drawdowns

From Mr Simon Reynolds
Sir, The reason for Lloyd's cash calls is upon us, welcoming us, like the snowdrops, into the financial year. For those names who are lucky enough to have any funds remaining in their Lloyd's Premium Trust Funds, this means unavoidable drawdowns by Lloyd's.

My wife's losses are primarily on "long tail" syndicates, those carrying historic asbestos and pollution deterioration for which unaccepted liabilities she is suing her members and managing agents.

Moreover, through the forthcoming test of the so-called "Mason" court case, she, like many others, is ultimately holding Lloyd's responsible for "non-disclosure" of the facts long known to them which may prove to amount to fraud. However, to voluntarily release such funds from trust at Lloyd's, that organisation,

since September 1993, demands that the names sign a form of release which commences: "I acknowledge that I have incurred underwriting liabilities at Lloyd's which I require to be funded..."

If we do not sign we put ourselves in "payment default", with detrimental consequences if we are attempting to trade forward. Our funds will be forcibly drawn down by Lloyd's (despite our instructions to release them) and we will be charged with drawdown costs and interest for delayed payment.

Are they legally justified in charging for non-payment when we are ready and willing to pay but draw the line at being forced to sign a legally detrimental document? Yours faithfully, SIMON REYNOLDS (Deputy Chairman, 309 Action Group), 64 Lonsdale Road, SW13.

Pay awards

From Mr Eric H. Chadwick
Sir, I would like to reply to Mr P. R. Layton's comments that increasing salary to executives who are already well rewarded will decrease the competition among applicants for top posts.

The prime justification of upwards of 50 per cent increases in salaries is often given as to put them on a par with salaries for similar posts in the US, Japan and other leading economies and to attract high-powered executives capable of increasing a company's business. Whilst the rewarding of increased business by a pay rise is justifiable in everyone's eyes, the intention to attract the people capable of doing so seems to imply the creation of competition for a post not reduce it. The state-

ment is so obviously contrary to Mr Layton's comment that it is apparent that one of them is not true. If, as I suspect, Mr Layton is correct then it would demolish a central plank in the argument defending boardroom largesse and also raise the appalling presumption that a lack of competition at the very top is resulting in an endless round of job-hopping by a select band, who perpetuate their gilded lifestyles at the expense of the rest of the company's profits, axed workforce, and customer's pockets. No doubt many employees will be relieved to contemplate that their posts went to safeguard the job security of executives of newly privatised companies.

Yours faithfully, ERIC H. CHADWICK, 16 Mary Field Green, Cross Gates, Leeds

THE TIMES Win a £6,000 PEP



A Personal Equity Plan (PEP) is a way of investing money out of the reach of the tax man and *The Times*, in association with TSB Bank, is offering you the chance to win a £6,000 PEP. Answer the questions which appeared on Saturday and which will reappear on Friday, collect four of the six PEP tokens which are appearing each day, and you could win an investment in your choice of three TSB unit trusts:

- The TSB UK Income Fund aims to provide a high-income return with the potential for some capital growth over the longer term, from investments in Britain;
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These three funds, which were launched in November 1994, have all ranked in the top quartile of their particular unit trust sectors over the past three months.

Because of the regulations governing PEPs, winners will receive a holding in the unit trust of their choice. Provided they are eligible, they will be able to convert this to a PEP at no cost either immediately or, if they have already taken out a PEP this year, after the end of the current financial year.

A PEP investment is an excellent form for long-term savings, with all income and capital growth exempt from both income tax and capital gains tax. Readers can obtain full details of TSB PEPs at their nearest TSB Bank branch.

How to enter
Collect four of the six tokens which are appearing this week and send them on a postcard with the answer to Saturday's questions plus the de-briker by March 8, 1995 to: *The Times* Win a PEP Competition, Week 2, 16 Whitefriars Street, EC8 2NG. The winner will be selected from all correct entries received by the closing date.

* Source: Mifcoral offer-to-offer. Income not reinvested.

THE TIMES
Second week
PEP
Token 3
TSB

Small losses at the close

TRADING PERIOD: Settlement takes place ten business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

[illegible]

1994/95		1995/96		1996/97		1997/98		1998/99		1999/00		2000/01		2001/02		2002/03		2003/04		2004/05		2005/06		2006/07		2007/08		2008/09		2009/10		2010/11		2011/12		2012/13		2013/14		2014/15		2015/16		2016/17		2017/18		2018/19		2019/20		2020/21		2021/22		2022/23		2023/24		2024/25		2025/26		2026/27		2027/28		2028/29		2029/30		2030/31		2031/32		2032/33		2033/34		2034/35		2035/36		2036/37		2037/38		2038/39		2039/40		2040/41		2041/42		2042/43		2043/44		2044/45		2045/46		2046/47		2047/48		2048/49		2049/50		2050/51		2051/52		2052/53		2053/54		2054/55		2055/56		2056/57		2057/58		2058/59		2059/60		2060/61		2061/62		2062/63		2063/64		2064/65		2065/66		2066/67		2067/68		2068/69		2069/70		2070/71		2071/72		2072/73		2073/74		2074/75		2075/76		2076/77		2077/78		2078/79		2079/80		2080/81		2081/82		2082/83		2083/84		2084/85		2085/86		2086/87		2087/88		2088/89		2089/90		2090/91		2091/92		2092/93		2093/94		2094/95		2095/96		2096/97		2097/98		2098/99		2099/00		2100/01		2101/02		2102/03		2103/04		2104/05		2105/06		2106/07		2107/08		2108/09		2109/10		2110/11		2111/12		2112/13		2113/14		2114/15		2115/16		2116/17		2117/18		2118/19		2119/20		2120/21		2121/22		2122/23		2123/24		2124/25		2125/26		2126/27		2127/28		2128/29		2129/30		2130/31		2131/32		2132/33		2133/34		2134/35		2135/36		2136/37		2137/38		2138/39		2139/40		2140/41		2141/42		2142/43		2143/44		2144/45		2145/46		2146/47		2147/48		2148/49		2149/50		2150/51		2151/52		2152/53		2153/54		2154/55		2155/56		2156/57		2157/58		2158/59		2159/60		2160/61		2161/62		2162/63		2163/64		2164/65		2165/66		2166/67		2167/68		2168/69		2169/70		2170/71		2171/72		2172/73		2173/74		2174/75		2175/76		2176/77		2177/78		2178/79		2179/80		2180/81		2181/82		2182/83		2183/84		2184/85		2185/86		2186/87		2187/88		2188/89		2189/90		2190/91		2191/92		2192/93		2193/94		2194/95		2195/96		2196/97		2197/98		2198/99		2199/00		2200/01		2201/02		2202/03		2203/04		2204/05		2205/06		2206/07		2207/08		2208/09		2209/10		2210/11		2211/12		2212/13		2213/14		2214/15		2215/16		2216/17		2217/18		2218/19		2219/20		2220/21		2221/22		2222/23		2223/24		2224/25		2225/26		2226/27		2227/28		2228/29		2229/30		2230/31		2231/32		2232/33		2233/34		2234/35		2235/36		2236/37		2237/38		2238/39		2239/40		2240/41		2241/42		2242/43		2243/44		2244/45		2245/46		2246/47		2247/48		2248/49		2249/50		2250/51		2251/52		2252/53		2253/54		2254/55		2255/56		2256/57		2257/58		2258/59		2259/60		2260/61		2261/62		2262/63		2263/64		2264/65		2265/66		2266/67		2267/68		2268/69		2269/70		2270/71		2271/72		2272/73		2273/74		2274/75		2275/76		2276/77		2277/78		2278/79		2279/80		2280/81		2281/82		2282/83		2283/84		2284/85		2285/86		2286/87		2287/88		2288/89		2289/90		2290/91		2291/92		2292/93		2293/94		2294/95		2295/96		2296/97		2297/98		2298/99		2299/00		2300/01		2301/02		2302/03		2303/04		2304/05		2305/06		2306/07		2307/08		2308/09		2309/10		2310/11		2311/12		2312/13		2313/14		2314/15		2315/16		2316/17		2317/18		2318/19		2319/20		2320/21		2321/22		2322/23		2323/24		2324/25		2325/26		2326/27		2327/28		2328/29		2329/30		2330/31		2331/32		2332/33		2333/34		2334/35		2335/36		2336/37		2337/38		2338/39		2339/40		2340/41		2341/42		2342/43		2343/44		2344/45		2345/46		2346/47		2347/48		2348/49		2349/50		2350/51		2351/52		2352/53		2353/54		2354/55		2355/56		2356/57		2357/58		2358/59		2359/60		2360/61		2361/62		2362/63		2363/64		2364/65		2365/66		2366/67		2367/68		2368/69		2369/70		2370/71		2371/72		2372/73		2373/74		2374/75		2375/76		2376/77		2377/78		2378/79		2379/80		2380/81		2381/82		2382/83		2383/84		2384/85		2385/86		2386/87		2387/88		2388/89		2389/90		2390/91		2391/92		2392/93		2393/94		2394/95		2395/96		2396/97		2397/98		2398/99		2399/00		2400/01		2401/02		2402/03		2403/04		2404/05		2405/06		2406/07		2407/08		2408/09		2409/10		2410/11		2411/12		2412/13		2413/14		2414/15		2415/16		2416/17		2417/18		2418/19		2419/20		2420/21		2421/22		2422/23		2423/24		2424/25		2425/26		2426/27		2427/28		2428/29		2429/30		2430/31		2431/32		2432/33		2433/34		2434/35		2435/36		2436/37		2437/38		2438/39		2439/40		2440/41		2441/42		2442/43		2443/44		2444/45		2445/46		2446/47		2447/48		2448/49		2449/50		2450/51		2451/52		2452/53		2453/54		2454/55		2455/56		2456/57		2457/58		2458/59		2459/60		2460/61		2461/62		2462/63		2463/64		2464/65		2465/66		2466/67		2467/68		2468/69		2469/70		2470/71		2471/72		2472/73		2473/74		2474/75		2475/76		2476/77		2477/78		2478/79		2479/80		2480/81		2481/82		2482/83		2483/84		2484/85		2485/86		2486/87		2487/88		2488/89		2489/90		2490/91		2491/92		2492/93		2493/94		2494/95		2495/96		2496/97		2497/98		2498/99		2499/00		2500/01		2501/02		2502/03		2503/04		2504/05		2505/06		2506/07		2507/08		2508/09		2509/10		2510/11		2511/12		2512/13		2513/14		2514/15		2515/16		2516/17		2517/18		2518/19		2519/20		2520/21		2521/22		2522/23		2523/24		2524/25		2525/26		2526/27		2527/28		2528/29		2529/30		2530/31		2531/32		2532/33		2533/34		2534/35		2535/36		2536/37		2537/38		2538/39		2539/40		2540/41		2541/42		2542/43		2543/44		2544/45		2545/46		2546/47		2547/48		2548/49		2549/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1984/85						1984/85					
Line	Company	Price (¢)	+/-	%	P/E	Line	Company	Price (¢)	+/-	%	P/E
44	Marine Corp. W	369	-1	0.8		192	117	131	-2	1.5	21.7
45	Marine Corp. W	369	-1	0.8		193	117	131	-2	1.5	21.7
46	Marine Corp. W	369	-1	0.8		194	117	131	-2	1.5	21.7
47	Marine Corp. W	369	-1	0.8		195	117	131	-2	1.5	21.7
48	Marine Corp. W	369	-1	0.8		196	117	131	-2	1.5	21.7
49	Marine Corp. W	369	-1	0.8		197	117	131	-2	1.5	21.7
50	Marine Corp. W	369	-1	0.8		198	117	131	-2	1.5	21.7
51	Marine Corp. W	369	-1	0.8		199	117	131	-2	1.5	21.7
52	Marine Corp. W	369	-1	0.8		200	117	131	-2	1.5	21.7
53	Marine Corp. W	369	-1	0.8		201	117	131	-2	1.5	21.7
54	Marine Corp. W	369	-1	0.8		202	117	131	-2	1.5	21.7
55	Marine Corp. W	369	-1	0.8		203	117	131	-2	1.5	21.7
56	Marine Corp. W	369	-1	0.8		204	117	131	-2	1.5	21.7
57	Marine Corp. W	369	-1	0.8		205	117	131	-2	1.5	21.7
58	Marine Corp. W	369	-1	0.8		206	117	131	-2	1.5	21.7
59	Marine Corp. W	369	-1	0.8		207	117	131	-2	1.5	21.7
60	Marine Corp. W	369	-1	0.8		208	117	131	-2	1.5	21.7
61	Marine Corp. W	369	-1	0.8		209	117	131	-2	1.5	21.7
62	Marine Corp. W	369	-1	0.8		210	117	131	-2	1.5	21.7
63	Marine Corp. W	369	-1	0.8		211	117	131	-2	1.5	21.7
64	Marine Corp. W	369	-1	0.8		212	117	131	-2	1.5	21.7
65	Marine Corp. W	369	-1	0.8		213	117	131	-2	1.5	21.7
66	Marine Corp. W	369	-1	0.8		214	117	131	-2	1.5	21.7
67	Marine Corp. W	369	-1	0.8		215	117	131	-2	1.5	21.7
68	Marine Corp. W	369	-1	0.8		216	117	131	-2	1.5	21.7
69	Marine Corp. W	369	-1	0.8		217	117	131	-2	1.5	21.7
70	Marine Corp. W	369	-1	0.8		218	117	131	-2	1.5	21.7
71	Marine Corp. W	369	-1	0.8		219	117	131	-2	1.5	21.7
72	Marine Corp. W	369	-1	0.8		220	117	131	-2	1.5	21.7
73	Marine Corp. W	369	-1	0.8		221	117	131	-2	1.5	21.7
74	Marine Corp. W	369	-1	0.8		222	117	131	-2	1.5	21.7
75	Marine Corp. W	369	-1	0.8		223	117	131	-2	1.5	21.7
76	Marine Corp. W	369	-1	0.8		224	117	131	-2	1.5	21.7
77	Marine Corp. W	369	-1	0.8		225	117	131	-2	1.5	21.7
78	Marine Corp. W	369	-1	0.8		226	117	131	-2	1.5	21.7
79	Marine Corp. W	369	-1	0.8		227	117	131	-2	1.5	21.7
80	Marine Corp. W	369	-1	0.8		228	117	131	-2	1.5	21.7
81	Marine Corp. W	369	-1	0.8		229	117	131	-2	1.5	21.7
82	Marine Corp. W	369	-1	0.8		230	117	131	-2	1.5	21.7
83	Marine Corp. W	369	-1	0.8		231	117	131	-2	1.5	21.7
84	Marine Corp. W	369	-1	0.8		232	117	131	-2	1.5	21.7
85	Marine Corp. W	369	-1	0.8		233	117	131	-2	1.5	21.7
86	Marine Corp. W	369	-1	0.8		234	117	131	-2	1.5	21.7
87	Marine Corp. W	369	-1	0.8		235	117	131	-2	1.5	21.7
88	Marine Corp. W	369	-1	0.8		236	117	131	-2	1.5	21.7
89	Marine Corp. W	369	-1	0.8		237	117	131	-2	1.5	21.7
90	Marine Corp. W	369	-1	0.8		238	117	131	-2	1.5	21.7
91	Marine Corp. W	369	-1	0.8		239	117	131	-2	1.5	21.7
92	Marine Corp. W	369	-1	0.8		240	117	131	-2	1.5	21.7
93	Marine Corp. W	369	-1	0.8		241	117	131	-2	1.5	21.7
94	Marine Corp. W	369	-1	0.8		242	117	131	-2	1.5	21.7
95	Marine Corp. W	369	-1	0.8		243	117	131	-2	1.5	21.7
96	Marine Corp. W	369	-1	0.8		244	117	131	-2	1.5	21.7
97	Marine Corp. W	369	-1	0.8		245	117	131	-2	1.5	21.7
98	Marine Corp. W	369	-1	0.8		246	117	131	-2	1.5	21.7
99	Marine Corp. W	369	-1	0.8		247	117	131	-2	1.5	21.7
100	Marine Corp. W	369	-1	0.8		248	117	131	-2	1.5	21.7
101	Marine Corp. W	369	-1	0.8		249	117	131	-2	1.5	21.7
102	Marine Corp. W	369	-1	0.8		250	117	131	-2	1.5	21.7
103	Marine Corp. W	369	-1	0.8		251	117	131	-2	1.5	21.7
104	Marine Corp. W	369	-1	0.8		252	117	131	-2	1.5	21.7
105	Marine Corp. W	369	-1	0.8		253	117	131	-2	1.5	21.7
106	Marine Corp. W	369	-1	0.8		254	117	131	-2	1.5	21.7
107	Marine Corp. W	369	-1	0.8		255	117	131	-2	1.5	21.7
108	Marine Corp. W	369	-1	0.8		256	117	131	-2	1.5	21.7
109	Marine Corp. W	369	-1	0.8		257	117	131	-2	1.5	21.7
110	Marine Corp. W	369	-1	0.8		258	117	131	-2	1.5	21.7
111	Marine Corp. W	369	-1	0.8		259	117	131	-2	1.5	21.7
112	Marine Corp. W	369	-1	0.8		260	117	131	-2	1.5	21.7
113	Marine Corp. W	369	-1	0.8		261	117	131	-2	1.5	21.7
114	Marine Corp. W	369	-1	0.8		262	117	131	-2	1.5	21.7
115	Marine Corp. W	369	-1	0.8		263	117	131	-2	1.5	21.7
116	Marine Corp. W	369	-1	0.8		264	117	131	-2	1.5	21.7
117	Marine Corp. W	369	-1	0.8		265	117	131	-2	1.5	21.7
118	Marine Corp. W	369	-1	0.8		266	117	131	-2	1.5	21.7
119	Marine Corp. W	369	-1	0.8		267	117	131	-2	1.5	21.7
120	Marine Corp. W	369	-1	0.8		268	117	131	-2	1.5	21.7
121	Marine Corp. W	369	-1	0.8		269	117	131	-2	1.5	21.7
122	Marine Corp. W	369	-1	0.8		270	117	131	-2	1.5	21.7
123	Marine Corp. W	369	-1	0.8		271	117	131	-2	1.5	21.7
124	Marine Corp. W	369	-1	0.8		272	117	131	-2	1.5	21.7
125	Marine Corp. W	369	-1	0.8		273	117	131	-2	1.5	21.7
126	Marine Corp. W	369	-1	0.8		274	117	131	-2	1.5	21.7
127	Marine Corp. W	369	-1	0.8		275	117	131	-2	1.5	21.7
128	Marine Corp. W	369	-1	0.8		276	117	131	-2	1.5	21.7
129	Marine Corp. W	369	-1	0.8		277	117	131	-2	1.5	21.7
130	Marine Corp. W	369	-1	0.8		278	117	131	-2	1.5	21.7
131	Marine Corp. W	369	-1	0.8		279	117	131	-2	1.5	21.7
132	Marine Corp. W	369	-1	0.8		280	117	131	-2	1.5	21.7
133	Marine Corp. W	369	-1	0.8		281	117	131	-2	1.5	21.7
134	Marine Corp. W	369	-1	0.8		282	117	131	-2	1.5	21.7
135	Marine Corp. W	369	-1	0.8		283	117	131	-2	1.5	21.7
136	Marine Corp. W	369	-1	0.8		284	117	131	-2	1.5	21.7
137	Marine Corp. W	369	-1	0.8		285	117	131	-2	1.5	21.7
138	Marine Corp. W	369	-1	0.8		286	117	131	-2	1.5	21.7
139	Marine Corp. W	369	-1	0.8		287	117	131	-2	1.5	21.7
140	Marine Corp. W	369	-1	0.8		288	117	131	-2	1.5	21.7
141	Marine Corp. W	369	-1	0.8		289	117	131	-2	1.5	21.7
142	Marine Corp. W	369	-1	0.8		290	117	131	-2	1.5	21.7
143	Marine Corp. W	369	-1	0.8		291	117	131	-2	1.5	21.7
144	Marine Corp. W	369	-1	0.8		292	117	131	-2	1.5	21.7
145	Marine Corp. W	369	-1	0.8		293	117	131	-2	1.5	21.7
146	Marine Corp. W	369	-1	0.8		294	117	131	-2	1.5	21.7
147	Marine Corp. W	369	-1	0.8		295	117	131	-2	1.5	21.7
148	Marine Corp. W	369	-1	0.8		296	117	131	-2	1.5	21.7
149	Marine Corp. W	369	-1	0.8		297	117	131	-2	1.5	21.7
150	Marine Corp. W	369	-1	0.8		298	117	131	-2	1.5	21.7
151	Marine Corp. W	369	-1	0.8		299	117	131	-2	1.5	21.7
152	Marine Corp. W	369	-1	0.8		300	117	131	-2	1.5	21.7
153	Marine Corp. W	369	-1	0.8		301	117	131	-2	1.5	21.7
154	Marine Corp. W	369	-1	0.8		302	117	131	-2	1.5	21.7
155	Marine Corp. W	369	-1	0.8		303	117	131	-2	1.5	21.7
156	Marine Corp. W	369	-1	0.8		304	117	131	-2	1.5	21.7
157	Marine Corp. W	369	-1	0.8		305	117	131	-2	1.5	21.7
158	Marine Corp. W	369	-1	0.8		306	117	131	-2	1.5	21.7
159	Marine Corp. W	369	-1	0.8		307	117	131	-2	1.5	21.7
160	Marine Corp. W	369	-1	0.8		308	117	131	-2	1.5	21.7
161	Marine Corp. W	369	-1	0.8		309	117	131	-2	1.5	21.7
162	Marine Corp. W	369	-1	0.8		310	117	131	-2	1.5	21.7
163	Marine Corp. W	369	-1	0.8		311	117	131	-2	1.5	21.7
164	Marine Corp. W	369	-1	0.8		312	117	131	-2	1.5	21.7
165	Marine Corp. W	369	-1	0.8		313	117	131	-2	1.5	21.7
166	Marine Corp. W	369	-1	0.8		314	117	131	-2	1.5	21.7
167	Marine Corp. W	369	-1	0.8		315	117	131	-2	1.5	21.7
168	Marine Corp. W	369	-1	0.8		316	117	131	-2	1.5	21.7
169	Marine Corp. W	369	-1	0.8		317	117	131	-2	1.5	21.7
170	Marine Corp. W	369	-1	0.8		318	117	131	-2	1.5	21.7
171	Marine Corp. W	369	-1	0.8		319	117	131	-2	1.5	21.7
172	Marine Corp. W	369	-1	0.8		320	117	131	-2	1.5	21.7
173	Marine Corp. W	369	-1	0.8		321	117	131			

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69	177	+	62	62	42
70	178	+	62	62	42
71	181	+	64	64	101
72	182	+	64	64	101
73	183	+	64	64	101
74	184	+	64	64	101
75	185	+	64	64	101
76	186	+	64	64	101
77	187	+	64	64	101
78	188	+	64	64	101
79	189	+	64	64	101
80	190	+	64	64	101
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LAW

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Upheaval in the courts

Frances Gibb
talks to the man
taking the lead
in a new era of
efficiency and
cost-cutting

In April, the courts in England and Wales face the biggest organisational shake-up since the abolition of the Crown Courts created in the wake of the Beeching Commission more than 20 years ago.

Now under direct control of the Lord Chancellor, the courts service will instead become an executive agency, answerable to its own chief executive. The move affects almost every court: Court of Appeal, High Court, Crown and county courts, and district courts (but not magistrates' or coroners' courts, which come under local control); and about 10,000 staff, from ushers to listing officers.

The change has already aroused controversy. It comes as the courts service is struggling with huge backlogs of cases and failing to meet statutory deadlines on the time within which cases should be brought to trial.

Paul Boateng, MP, Labour's legal affairs spokesman, two weeks ago stole a march on the launch of the service, planned for April 3, when he published "leaked" details from its corporate plan. Huge fee rises for court users are planned, he says, at a time when courts are being closed or used part-time; there are long delays in hearings and there have been 10,000 complaints of bad service in breach of the 1993 Courts Charter standards.

"The court service is in crisis and the consumer is bearing the brunt," Mr Boateng says. People are "trapped in a vicious circle of rising fees, closing courts and reducing legal aid eligibility".

Michael Huebner, 53, the man poised to address this challenge as first chief executive of the Courts Service Agency, rejects that view. Courts are becoming more efficient, using modern technology and many of their tasks, such as debt collecting, are now being centralised.

But he openly acknowledges the problems. There are two main challenges, he says: in the Crown Court, where even with a steady and "substantial" drop in court delays are worsening. In an effort to tackle this, judges have had to put in extra sitting days: the number was increased by 6,000 this year over last, but a four-month backlog still remains. A further 4,000 extra sitting days are planned for 1996-97.

In the civil courts, the challenge is to modernise the county courts "in a way that provides the best service for the litigant at affordable cost and taking on board the best reforms that Lord Woolf (the law lord inquiring into civil justice) will be promoting".

For the public, the immediate impact will be from the



At the heart of the civil and criminal systems: Michael Huebner, the first chief executive of the Courts Service Agency

costs of using the civil courts. Mr Huebner accepts that proposals are being considered that would mean a radical departure from the present system in which people are charged "at the start of proceedings" for the issue of summons. Instead, the idea of a "pay by the day" system is being looked at, with daily hearing fees of as much as £500 for the High Court and £200 for the county court, which would be payable by the plaintiff. A tiered fee, with higher charges for companies than individuals, has not been ruled out.

Lord Mackay of Clashfern,

of court time and judge time is taken up.

No decisions have been made, he says, but further big rises — beyond the £500 and £200 mark — are quite likely in order to "maintain the level of income that is needed" although he is conscious of public concern and the need not to block access to justice.

There is some concern, too, over court closures. But Mr Huebner argues forcefully that this is done only where needed, after wide consultation, because the workload no longer justifies their existence. Between 50 and 70 courts have been identified as doing much

known, although he is considering a streamlined court system. But it will not come as a surprise to Mr Huebner: the two men have been in close touch, and Mr Huebner is set to implement whatever emerges.

For the court staff (who remain civil servants within the Lord Chancellor's Department) there will also be change. First, internal reviews of both structure of staffing levels and of pay grades are planned, the results of which "could be fairly significant". Inevitably, jobs will go, but the hope is it will be through natural wastage. "It is not a matter of shedding large numbers of staff to cut costs," he says. "It is to cut out the bureaucratic structure."

The results of the review are two or three years away. But it is likely the staff total of 10,000 will be reduced by between 200 and 300 a year on a rolling basis. The aim of the pay review is to reward key personnel, such as listing officers, whose experience is not reflected in the current pay structure or whose promotion prospects are limited.

Mr Huebner emphasises that the job-shedding does not directly result from agency status. "My message is that the pressure on jobs is coming because of the drive for efficiency. It would be happening anyway as part of government policy to make every organisation more efficient."

Finally, the agency will create an unprecedented relationship between the executive and the judiciary. Judges, by tradition, are removed from court administration, but to ensure close liaison under the new

system, consultative committees have been created between the judges at three levels, and the agency itself.

Mr Huebner, formerly head of policy at the Lord Chancellor's Department, was involved with the last upheaval of the courts, after Beeching. He is clearly relishing the prospect of seeing the plans through into a service fit for the 21st century.

Change to executive agency status may at first be imperceptible but in time it will mean a "change in gear" for court management. Courts should run more efficiently, should be more cost-effective and, above all, should "give a better service to the public".

To sleep, perchance to admit murder

The defendant in one of the leading cases in English criminal law was a Mr Woolmington, who told his employer in 1934: "I shall not be coming back to work any more, as I have shot my wife."

The State of California has no such helpful confession to assist it to prove the guilt of O.J. Simpson on the charges of murdering Nicole Brown Simpson, his ex-wife, and her friend. Part of the evidence on which the prosecution does rely has led to a bizarre judicial ruling which suggests that the case has lost touch with reality.

Earlier this month, Judge Lance Ito ruled, after hearing legal argument, that the prosecution could adduce evidence of the content of Simpson's dreams. Marcia Clark, the prosecuting counsel, submitted to Judge Ito that "Walt Disney put it best. A dream is a wish your heart makes." Judge Ito allowed Ronald Shipp, a friend of Mr Simpson, to inform the jury that on the night after the deaths of Nicole Brown Simpson and Ronald Goldman, the defendant told him: "To be truthful Ron, I have had a lot of dreams about killing her."

Lord Justice Bowen declared in 1985 that "the state of a man's mind is as much a fact as the state of his digestion". But the ruling by Judge Ito takes a lot of swallowing. I can find no previous case in which evidence of the contents of a dream has been admitted as part of the prosecution case. However, appeal courts in the United States have decided that incriminating statements made by a defendant while asleep cannot properly be considered by the jury.

In 1861, the Supreme Court of California allowed an appeal against a conviction for murder and ordered a retrial because a witness for the prosecution had testified that "he slept in the same room with the defendant; that the defendant did not rest well at night; and that he talked some while asleep". The court held that the details of what the defendant said while asleep should not have been given in evidence to the jury. "If the defendant was asleep," Justice Cope explained, "the inference is that he was not conscious of what he was saying, and words spoken by him in that condition constituted no evidence of guilt."

Other American courts have resolved the issue in the same way. In 1913, the Supreme Court of Colorado held that a person "is not responsible for what he says in his sleep because he is unconscious and it is not voluntary". Similar conclusions, allowing criminal appeals because courts have relied on confessions or incriminating statements made by defendants while they were asleep, have been reached by the United States Court of

Appeals (in 1955) and by the Appellate Division of the Supreme Court of New York (in 1980). The only authority to the contrary is a judgment in 1891 by the Supreme Court of Appeals of West Virginia when dismissing an appeal by a woman convicted of murdering her husband. The court ruled that the prosecution had been entitled to rely on evidence of a confession made by the defendant in her sleep. It was for the jury to decide whether the words spoken by the sleeping defendant were "but the divulgence of truth, springing from guilt which lay heavy on the soul and broke forth through voice and lips". The court concluded that because "the operation of the human mind is an enigma", the words uttered by a sleeping person "are frequently vagaries and fictions, but sometimes born of reality".

However enigmatic the workings of the human mind, or indeed the legal mind, no competent appellate court today would uphold a decision to allow the prosecution in a criminal case to adduce evidence of a confession made by a person while asleep. If that is so, it is impossible to understand how there can be a stronger case for the admissibility of evidence against the defendant of the contents of a dream, which does not even purport to be a statement of what has in fact occurred, or what a person intends to do in the future. Dreams may come true, but as Hermione protests in Shakespeare's *The Winter's Tale*, "If I shall be condemn'd / Upon surmises, all proofs sleeping else / But what your jealousies awake, I tell you / 'Tis rigour and not law."

A trial judge should not encourage a jury to believe that a person's dreams are evidence of his or her actions, or indeed that they have any connection with reality, whether those dreams relate to murder, having dinner with the Queen, or scoring the winning goal in the Cup Final. Such "evidence" is highly prejudicial and has no probative value. It is the responsibility of a judge to prevent the prosecution from relying on such material precisely because a jury may not appreciate its irrelevance.

When Joseph was asked to explain the dreams of the butler, the baker and Pharaoh of Egypt, he well understood that "interpretations belong to God". If Simpson is convicted of murder, the appeal courts are unlikely to accept that the jury in Los Angeles enjoys divine assistance in understanding California dreaming. O.J. Simpson's dream could well turn into a legal nightmare for the prosecution, and for Judge Ito.

● The author is a practising barrister and a Fellow of All Souls College, Oxford.



COUNSEL
DAVID
PANNICK QC

For the public, the immediate impact will come from the costs of using the civil courts

the Lord Chancellor, to whom Mr Huebner is answerable, announced in 1992 that he wanted the civil courts to aim for "full recovery of their costs"; in effect, to become self-financing. But the revenue that courts derive from fees has dropped and now covers only 70 per cent of their costs.

Mr Huebner says: "The county courts are facing a very significant decline in their standard routine work. Debt collection work has dropped by about 20 per cent [the issue of bulk summonses is now handled centrally by computer] and so has enforcement procedures. But the courts are seeing an increase in the more difficult work, such as family and children work, where a lot

less business, but it is not a "hit list"; the county courts have lost much of their old cash-handling function, where debtors paid by instalments; and there also now the policy of centralising judicial hearings, avoiding the need for adjournments for weeks at a time.

"This achieves shorter waiting times and makes more efficient use of courtrooms and judges," Mr Huebner says. "It is part of a modernisation process that is happening, rather quietly, in other institutions — it is not a huge closure programme to save costs but a rationalisation to provide modern facilities."

The impact of Lord Woolf's review of civil justice is not yet

idiosyncratically puts it: "The unyielding demand for our services, since we started eight years ago, has forced us to conclude that the needs of the profession for the products and services we offer necessitated a greater depth of resource and infrastructure than we were able to develop."

Better red

LAST-MINUTE winner of this month's dullest press release: Frank Allen Pennington, Doncaster law firm, has invested "in a Rank Xerox 'Majestic' colour photocopy". Leanne Buttery, a clerk says with pride: "It looked very complicated but now I find it easy to use." The firm specialises in personal injury cases and says the colour is good enough for court.

SCRIVENOR

STUART & FRANCIS

Dodger's guide

ALAN MURDIE, the barrister who has written a "dodger's guide" to the Criminal Justice Act for *The Big Issue*, the homeless people's magazine, says that defence lawyers have found the law to be full of loopholes.

A person who wandered accidentally into the path of a fox-hunt, for example, would not be guilty of criminal trespass.

A law against painted buses, he goes on, might have been more useful than the hastily drafted provisions controlling New Age travellers. Mr Murdie is also the co-author of a guide to the Act published by Legal Research Campaign Services.

A bed in time

AFTER the order made by a West Sussex judge for Virginia Bottomley, the Health Secretary, to appear before a Crown Court, the National Schizophrenia Fellowship is planning a judicial review of the right of mentally ill offenders to medium-secure beds. It is aware of at least one case where a mentally ill person has been kept in prison for 18 months awaiting a bed, and is looking for a suitable case for a judicial review. In several instances judges have called Mrs Bottomley to give evidence, and each time a bed has been provided at the last minute.

Tribunal members

PEOPLE wanting to respond to the recruitment drive launched by the Department of Employment for 800 law members of industrial tribunals have until March 31, not March 1 (Law, February 1) to respond. They are appointed for three years and adjudicate employment cases, being paid £119 for a day's sitting and £59.50 for half a day.

Depths of meaning

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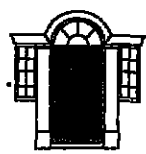
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What's wrong with being a barrister?

Sally Hughes, the journalist and barrister-turned-solicitor, recently wrote on these pages about what she saw as the benefits to the young barrister of transferring to become a solicitor. My experience tells me that there are just as many benefits in travelling the other way.

As for statistics, the Law Society's own figures for barristers moving over to be admitted as solicitors have fallen from 185 in 1991 to 97 in 1994. The society points out that even these figures are artificially inflated by overseas students who have done the old-style, non-vocational Bar finals course. The majority of them were never likely to practise at the independent Bar anyway.

Applications from solicitors wanting to move up to the Bar have varied between 50 and 70 for the past four years, and the Bar Council says it is pledged to make that switch even easier for solicitors who have seen the benefits of it.

I am one of those who spent some ten years as a solicitor in a number of busy legal-aid firms, and I am now enjoying the pleasures of transfer to the Bar. The key benefit, which will strike a chord with many former solicitor colleagues, is the ability to concentrate on a small number of cases. Thorough research and a good command of the law as it applies in each case is the result. By stark contrast, most solicitors have a case load of 200 files or more and simply do not have the time, or quite often the resources, to devote to a particular problem. Allied to that is the

Sarah Woolrich replies to claims that more members of the Bar are becoming solicitors

undoubted pleasure of getting your teeth into the advocacy demanded by a substantial hearing extended over a number of days, without having the worry of those files languishing unattended in a cabinet or, even worse, on the office floor. That "space" to practise is one of the most rewarding experiences I have ever had.

An enjoyable professional challenge lies in trying to match the expectations for counsel that I had when I was a solicitor with my own performance as a barrister. The solicitor again and again will want counsel to "rescue" the file that has become a nightmare for him or her, to unravel the case, to cast a fresh eye over it and to set it in some sort of legal order. To do this requires time, a good library and a remoteness from the burden of daily dealing with the lay client. None of these benefits would exist, for me or any other member of the Bar, unless the solicitors were prepared to instruct us.

We need to remember just how much solicitors' firms have changed over the past few years. Whether firms are commercially based or have a large publicly funded ele-

ment, they have had to respond to the public's increased expectations of quality service from lawyers. We have seen mechanisms to achieve this in practice-management standards promulgated by the Law Society, and the franchising requirements of the Legal Aid Board. The Bar has kept pace with these changes by the introduction of an innovative scheme for chambers-management training.

The young Bar cannot expect to survive on the back of restrictive practices, but must develop its role as consultant and specialist. To that end, it may be in the interests of pupils to spend some time in a solicitors' office to understand their work and what they seek from counsel. This approach could become increasingly valuable as new working relationships develop between solicitors and counsel.

There are many well-trained young people at the Bar who are more than capable of meeting these demands. One can only hope they can find a set of chambers from which to practise. But markets cannot be manipulated.

Before we all feel sorry for ourselves in a fast-changing professional world, we might remember that thousands of graduates cannot find jobs at all — and that is not to mention all those who have had no access to adequate vocational or even basic education.

● The author is a barrister practising from the chambers of Ian Dawson, Newcastle upon Tyne.



Sarah Woolrich: describes the gains of transferring to the Bar

Read all about us

LAWYERS are voracious readers. *Frances Gibb writes.* But which of the journals flooding the market do they read? An independent survey of company lawyers by NOP published this week finds that top of the poll for value was *Practical Law for Companies or PLC* (38 per cent), which has a commanding lead over the *Law Society Gazette* (23 per cent) and *In-house Lawyer* (22 per cent). Fifty-one per cent read *The Lawyer* magazine, but mainly for entertainment. *PLC* sells by subscription and the others are supplied free to in-house lawyers. *The Lawyer* is sent to readers on request. The survey of 250 lawyers also found that they seem unaware of the difference between editorial and paid-for articles. Half of them use directories, but only 10 per cent use online systems. One last finding: lawyers may have a dull dress sense but in newspapers their taste is impeccable: 78 per cent named *The Times* top paper for legal coverage, and 20 per cent the *Financial Times*.

New group

BARRISTERS who do personal injury work are launching their own association on March 7 at the arbitration room, Gray's Inn. The biggest field of common law work, it could attract up to 1,000 members. At the same venue on March 13 barristers are invited to meet students from the City of London Polytechnic at a drinks reception. Faced with the fight for places in chambers, the students are hosting the event (in the hope of stealing a march and making contacts).

● BUTTERWORTHS, the legal publisher, has sold its *Books on Screen* taxation service to *Touche Ross* for the accountants' national information technology network. The service is obtainable on paper and CD-Rom and updated weekly or monthly.

Night school

THE College of Law is taking 200 extra students in London on its legal practice course starting in September. That brings the total of London places to 1,248 — the number of applicants exceeds 3,000. Meanwhile, the Bar School is running short evening courses this spring for barristers, students and academics.

But Judge, my attorney is drunk

Two British lawyers have written a damning report on an American state's legal system

How do you get an American lawyer to act for just over \$11 an hour? The answer — by being a prisoner on Death Row in Texas — is not funny. It's true. According to a report by two British barristers, defence lawyers handling death penalty cases in Texas are poorly paid and of low quality.

Last year, David Marshall and Philip Sapsford, QC, both members of the Bar's human rights committee, went on a fact-finding trip to the southeast American state. Their report calls for urgent reform of the Texas legal system. A state-wide public defender service, it says, should be set up for capital cases, and minimum standards and pay rates introduced.

The committee's investigations found occasional examples of defence counsel being drunk or asleep while clients were on trial for their lives. One even fed his parking meter during prosecution cross-examination.

Mr Marshall believes that inadequate payment is the root of the problem. Texas provides no funds for death penalty defendants' legal representation — it is up to individ-

ual trial judges to decide what is "reasonable". In a country where stories of attorneys' astronomical fees are part of the national consciousness, lawyers doing the most important legal work of all are paid a pittance by any standards.

The result, according to the committee's report, is that most Texas death-penalty cases are handled by attorneys straight out of law school or unlikely to get any other work. Texas prosecutors, however, insist that defence counsel in capital cases are "excellent" and are not underpaid.

Yet some American bodies are worried about the impact of low pay on the quality of defence. In the example cited above, where defence lawyers were paid \$11.64 (about £7.50) an hour, the Federal Court of Appeal subsequently held that this "meagre amount" had led to a number of errors which meant the convicted man had been "de-



David Marshall, left, and Philip Sapsford, QC: Texas inquiry

nied his constitutional right to adequate counsel".

Mr Marshall says that some defendants, as well as being represented by lawyers who are not motivated or just not interested in their case, even face hostility from their own side. For example, the re-



port says that one lawyer presented no defence during his client's trial, emphasised the "horror of the crime" in his closing speech, and, after his client's conviction, "suggested that death was the appropriate punishment". His client was later executed.

Mr Marshall also cites the case of a gay man, Calvin Burdine, convicted of killing his former lover. During the trial, his counsel described homosexuals as "fairies" and "queers", and made no objection when the prosecution urged the jury to sentence him to death because being locked up in prison with other male inmates "isn't a very bad punishment for a homosexual".

Burdine's case is one in which the Bar's human rights committee has intervened directly. His execution was stayed at the eleventh hour after the filing on his behalf of an *amicus curiae* brief, a device that allows interested third parties to have a voice in court proceedings.

The brief contends that keeping Burdine on Death Row for 12 years amounts to "cruel, unusual and degrading" punishment and violates the US Constitution. The commit-

tee says his sentence should be commuted to life.

Mr Marshall denies that the Bar is sticking its nose into matters that are not its concern. The human rights committee's remit is to challenge what it sees as attacks on the rule of law and, he adds, the English Bar has great clout in America.

Mr Marshall hopes that putting the US courts in the international spotlight will encourage them to give careful consideration to cases such as Burdine's. "Most senior American judges are members of Inns here," he says. "They come over once a year to quaff down their port and talk about golf. They do care how their decisions are viewed by the English Bar."

However, when I telephoned the Attorney-General's office in Houston, which is dealing with Burdine's case, for comment on the committee's report, an official said: "We are not discussing the death penalty with you guys. You can report what you like and slam it any way you choose — we do not care. Goodbye."

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EMPLOYMENT

National firm seeks solicitor with 3 years' ppe for London office. To assist with both contentious and non-contentious work — employer and employee. The contract will be open-ended at this stage. Ref: 19833

DEFENDANT PERSONAL INJURY

Highly commercial firm, London based, seeks personal injury lawyer to assist with KTA claims. Need has arisen as a result of a heavy workload and solicitors or legal executives will be considered. Ref: 19875

COMMERCIAL

Junior solicitor required by IT group based in Buckinghamshire for 6-9 month contract. Applicants should have good drafting and negotiation skills. Knowledge of IT related law would be useful. Commercial experience essential. Ref: 19942

COMMERCIAL PROPERTY

Construction company based in Cheshire seeks 2-5 year qualified solicitor to assist with heavy workload. Ability to work unsupervised. Start as soon as possible for 1-2 months. Ref: 19918

CONTRACTS

Term of solicitors sought for leading commercial firm to assist in the drafting, negotiation and completion of contracts. Must be at least 2-3 years' ppe, diligent and able to work well under pressure. Immediate start through to December 1995. Ref: 19773

For further information about these and other vacancies please call Nicky Rotherford-Jones or Emma Hopkins on 0171 405 6062 (0171 350 0482 evenings/weekends) or write to us at Special Project Lawyer, 37-41 Bedford Row, London WC1R 4EJ. Confidential fax 0171 831 6394.

THE TIMES

On March 7th with the usual Legal Appointments. The Times will be publishing our 1995 feature on

'The Legal Profession in The Midlands'

This will be an ideal environment for anyone wishing to publicize vacancies or services targeting solicitors in this region. If you would like more information on the editorial content or the advertising rates, please call either

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0171 481 4431

Investment income set against loss

Nuclear Electric plc v Bradley (Inspector of Taxes)
Before Sir John Vinelott
[Judgment February 17]

Investment income from funds set aside to meet the future liabilities that would result from the production of electricity from nuclear energy was trading income capable of being set against trading losses under the provisions of section 393B of the Income and Corporation Taxes Act 1988.

Sir John Vinelott, sitting as a judge of the Chancery Division, so held in a reserved judgment allowing an appeal by the taxpayer company, Nuclear Electric plc, from the determination of special commissioners (Mr Stephen Oliver, QC and Mr J. F. Avery Jones) that had held that trading losses of the company for the year to March 1991 could not be set against investment income of £93 million.

The taxpayer company produced electricity from nuclear fuel. Its major costs were the back-end costs of storing and reprocessing

the spent fuel, disposing of radioactive waste and decommissioning reactors.

Many of those costs would not have to be met for 80 years or more. However, they fell to be regarded as trading costs of current production.

The proportion attributable to any given year was discounted back from the dates when the expenditure was expected to be incurred. A rate of interest of 2 per cent was used in making that calculation.

The discounted amount, £370 million in this case, attributable to that year was then deducted in ascertaining the profit or loss from proceeds of the electricity generated in that year. The Crown accepted that that was a proper way of calculating the provision for the future liabilities.

Because of the extent of its liabilities for future expenditure, the taxpayer company was at the time insolvent and only able to trade because of assurances of support from the Government.

During the year to March 1991

the taxpayer company received investment income of some £96 million, all of which was required to meet trading liabilities.

Mr Graham Aaronson, QC and Mr Joseph Hage for Nuclear Electric, Mr Alan Moses, QC and Mr Rabiner Singh for the Crown.

HIS LORDSHIP said that section 393B(1) of the 1988 Act contained the general provision under which a trading loss in a given accounting period could be set off against trading income in succeeding accounting periods so long as the company continued to carry on the trade.

By subsection (2) "trading income" meant "income which falls or would fall to be included in respect of the trade in the total profits of the company".

There were three decided cases in which the question whether investment income was a trading receipt had been raised: *Liverpool and London and Globe Insurance Company v Bennett* (1913) AC 610, *Owen v Sassoon* (1951) 32 TC 101 and *Bank Line Ltd v IRC* (1974) 49 TC 307.

The commissioners, accepting an alternative submission made on behalf of the Crown, held that in the absence of a segregated fund set aside to meet trading liabilities, income from investments could only be treated as a trading receipt if "the demands of the taxpayer's trading requires him both to derive such interest from investments and to use that interest in meeting trading liabilities".

The commissioners had then given as an example a tour operator, it being understood that the Revenue treated their investment income as trading income on the basis that the cash paid by a customer in advance was held for a short time before payment for a particular holiday, the cash and the income from it being used to meet liabilities in the short term.

The commissioners had gone on to conclude that as circumstances might arise in which the taxpayer company's assets might exceed its liabilities thus leading to a situation where not all of the investment fund and its income would be needed to meet the liabilities, the taxpayer company's position could not be used as a factual justification for treating its interest income as trading income.

The case was a difficult one. However, on balance the true and only conclusion was that the income from the investments answered the description of trading receipts.

The weakness in the commissioners' reasoning which led to their conclusion was that they had failed to give full weight to the fact that there was a necessary connection between the expected return on the investments, and equally the return that the taxpayer company would be expected to make if the investments were realised and the proceeds applied in the acquisition of new plant, that is, 2 per cent after taking into account inflation and the rate at which future liabilities were discounted.

If the setting aside out of the gross receipts of a provision equal to the discounted future liabilities was to achieve its purpose, the fund so set aside and its accrued income had to be maintained in some form or another and had to continue to earn a return whether in the form of investment income or in enhanced profits at a rate of 2 per cent after allowing for inflation.

The income from whatever source it was derived was committed to the discharge of a trading liability derived from the trading income which in all foreseeable circumstances would have to be met at a future date. In those circumstances the income did fall to be treated as a trading receipt.

Solicitors: Mr C. Johnson, Gloucester; Solicitor of Inland Revenue.

Enforcing damages undertaking

Goldman Sachs International Ltd v Lyons
Before Lord Justice Stuart-Smith, Lord Justice Hobbhouse and Lord Justice Pill
[Judgment February 22]

Where a plaintiff had discontinued, as opposed to abandoning, an action involving a Mareva (asset-freezing) injunction in the exercise of its discretion whether to enforce the plaintiff's undertaking in damages under the injunction should consider the circumstances in which it was discontinued.

The Court of Appeal so held dismissing an appeal by the defendant, Philip Lyons, against the dismissal by Sir Peter Pain, sitting as a judge of the Queen's Bench Division on February 17, 1993, of his application for an inquiry into damages sustained by him by reason of a Mareva injunction ordered by Mr Justice Rose on April 16, 1987.

Mr Victor Joffe for the appellant, Mr Michael Bloch for the respondent.

LORD JUSTICE HOBHOUSE said Goldman Sachs had bought Ecom bonds worth \$2.26 million which were subsequently found to be worthless. They were found to have been sold on the instructions

of the defendant, a chartered accountant. He had delivered the bonds to the clearing house which handled the deal and he controlled the Liechtenstein anstalt (trust company) to which the purchase price had been paid.

The defendant was charged with forgery and deception of which he was eventually acquitted on appeal and civil proceedings were begun. Mr Justice Rose had granted a Mareva injunction against the defendant on terms which included the usual undertaking by the Goldman Sachs to abide by any order as to damages suffered by the defendant as a result of the making of the order.

Of the purchase price, \$964,000 had been traced and recovered. The defendant had entered into a composite agreement to assist the recovery of moneys from Liechtenstein. His affidavit showed assets of £195,000.

It had become clear to the plaintiffs that in view of the defendant's financial situation they were unlikely to recover any more but would face considerable costs if they persisted in the action.

The plaintiffs had given notice to discontinue and issued a summons for leave to do so. The defendant had responded with a counterclaim for an order that there be an inquiry

as to damage sustained by the defendant by reason of the Mareva injunction and that he be at liberty to enter judgment against the plaintiff for the amount of the damages.

The court had an unfettered discretion to order an assessment as to damages under the plaintiff's undertaking. That undertaking had been given to the court and not to the defendant.

Where it was shown that the Mareva was wrongly obtained or at the trial or abandonment of the action it was shown that the allegations on the basis of which it was obtained were wrong and unsubstantiated it followed that the court would exercise its discretion in support of the undertaking.

In his Lordship's judgment, where the plaintiff discontinued an action, as opposed to abandoning an action and admitting the defendant's allegations were right or that his own were wrong, it was necessary to consider the circumstances in which he had discontinued.

In certain circumstances, the continuation of the action might be incapable of producing any worthwhile remedy. Continuation in cases such as the present might be at the plaintiff's expense.

The party discontinuing had to provide some justification for the discontinuation. All that had to be shown was that the circumstances were such as to raise questions whether it was equitable that the undertaking be enforced.

This was not a case where the Mareva had been improperly obtained or maintained. It had been granted on proper and cogent grounds.

The plaintiffs were justified in continuing the action and were only discontinuing it because it was clear the action could not usefully be continued.

The defendant had ample opportunity to give a full explanation of what had happened but had signally failed to do so. The circumstances were not such as to give rise to any equity which would lead to the conclusion that justice required an inquiry into damages.

It would be inequitable to put the plaintiff in a position where he was faced with proceeding to trial with wasted costs or submitting to judgment for the damages that had followed from his undertaking on the Mareva injunction.

Lord Justice Stuart-Smith and Lord Justice Pill agreed.

Solicitors: Goldsmid Davies Mathias; Allen & Overy.

Prosecution acted with due expedition

Regina v Murphy
Before Lord Justice Swinton Thomas, Mr Justice Watkinson and Mr Justice Wright
[Judgment February 16]

Where the Court of Appeal had quashed a conviction and ordered a retrial, the prosecution, by lodging a fresh indictment within 14 days and informing the crown court of the Court of Appeal's order, was acting within the terms of section 80 of the Criminal Appeal Act 1968.

The Court of Appeal so held when granting leave to the prosecution to rearraign John Murphy and refusing his application to direct a verdict of acquittal following the failure of the crown court to arraign him within two months of a retrial being ordered by the Court of Appeal on December 12, 1994, when his conviction of burglary was quashed.

Miss Jane Bickstaff, assigned by the Registrar to Mr David Tomlinson for the prosecution.

LORD JUSTICE SWINTON THOMAS said that when the court had ordered a retrial it had made consequential orders that a fresh indictment be lodged within 14 days and that the defendant be arraigned within two months. The Crown had settled and lodged a fresh indictment within the time

allowed, and had sent it to the crown court on December 20 with a letter informing them of the orders made on December 12.

Because of a confusion at the crown court between two defendants of the same name, the appellant's case was not listed for trial until after the expiry of the two-month period. The crown court had, in a letter dated January 30, 1995, notified the parties of the date set down for the retrial.

The Court of Appeal had power under section 80(1) of the 1968 Act in

such circumstances to grant leave to arraign provided it was satisfied, *inter alia*, that the prosecution had acted with all due expedition.

Although it would have been better for the prosecution to have responded to the letter of January 30, the *onus* of fixing a trial date lay firmly with the crown court. By sending the letter of December 20 the prosecution had acted with all due expedition, and the court would grant leave to rearraign.

Solicitors: CPS, Inner London.

Breach of guide

Johnson v Bingley and others

A breach of the provisions of the Guide to Professional Conduct of Solicitors by a practising solicitor was not by itself negligence.

Mr B. A. Hytner, QC, sitting as a deputy judge of the Queen's Bench Division so held on February 13, when giving judgment for the plaintiff, Mrs Winifred Johnson, suing by her daughter and next friend, Mrs Margaret McGilgan, in an action in negligence brought against the solicitors' firm of Bingley, Dyson & Furey, Sheffield, for a number of instances of failure to advise their client, Mrs Johnson.

HIS LORDSHIP said that the provisions of the Guide to Professional Conduct of Solicitors (5th edition (1987/88)), published by the Law Society, were not mandatory, but proper and accepted practice a code of conduct for practising solicitors. A breach of one of the provisions of the Guide, in this case principle 7.05, was not therefore *ipso facto* negligence.

Johnson was a legal concept embracing a duty situation, the nature of the duty and breach of duty, and that the basic approach was enshrined in *Donoghue v Stevenson* (1932) AC 562. His Lordship added that neither the Law Society nor any other body, could, by rules or edicts, alter the law of the land.

The income from whatever source it was derived was committed to the discharge of a trading liability derived from the trading income which in all foreseeable circumstances would have to be met at a future date. In those circumstances the income did fall to be treated as a trading receipt.

Solicitors: Mr C. Johnson, Gloucester; Solicitor of Inland Revenue.

Comparable rent includes service charge

Regina v East Yorkshire Borough of Beverley Housing Benefits Review Board, Ex parte Hare
Before Mr Justice Schiemann
[Judgment February 21]

For the purposes of the Housing Benefit (General) Regulations (SI 1987 No 1971), in comparing rent payable for accommodation with that payable for suitable alternative accommodation elsewhere, rent was not to be defined in its strict legal sense but included, *inter alia*, any service charge or any licence fee payable.

Mr Justice Schiemann so held in the Queen's Bench Division when allowing an application by David Hare for judicial review of a decision of the East Yorkshire Borough of Beverley Housing Benefits Review Board of September 28, 1993 to dismiss an appeal by the applicant against a reduction in the housing benefit eligible to be paid to him.

The board had dismissed Mr Hare's appeal because his rent being unreasonably high in comparison with suitable alternative accommodation was subject to a reduction to such amount as was appropriate pursuant to regulation 11(2)(c) of the 1987 Regulations.

The applicant paid £40 for the right to occupy his room con-

ditional upon his payment of a further £34.84 service charge. He submitted that regulation 11(2)(c) should be construed strictly so that only the £40 element of his rent should be compared with the rents payable for alternative accommodation.

The board, he said, had taken account of figures for alternative accommodation from which it was unclear whether services of the type included in the applicant's rent were included.

Regulation 10 of the 1987 Regulations provides: "(1) ... the payments in respect of which housing benefit is payable ... are the following: (a) payments which a person is liable to make in respect of the dwelling which he occupies as his home - (i) payments in respect of a licence or by way of rent; (ii) payments in respect of a licence or by way of rent; (iii) payments in respect of a licence or by way of rent; (iv) payments in respect of a licence or by way of rent; (v) payments in respect of a licence or by way of rent; (vi) payments in respect of a licence or by way of rent; (vii) payments in respect of a licence or by way of rent; (viii) payments in respect of a licence or by way of rent; (ix) payments in respect of a licence or by way of rent; (x) payments in respect of a licence or by way of rent; (xi) payments in respect of a licence or by way of rent; (xii) payments in respect of a licence or by way of rent; (xiii) payments in respect of a licence or by way of rent; (xiv) payments in respect of a licence or by way of rent; 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THEATRE page 38

Glenn Close gives
Broadway the Norma
Desmond of Lloyd
Webber's dreams

ARTS

DANCE page 39

From Cats to Wuthering
Heights: Gillian Lynne
prepares to unveil her
new Brontë ballet



VISUAL ART: Fruits of a 16th-century revolution; ten years in the life of a maverick; plus new London shows

Ingredients of a broader canvas

Richard Cork reviews the National Gallery's impressive exhibition of Spanish still lifes, from Velázquez to Goya

Suddenly, and without much warning, European artists in the 1590s took the audacious decision to make still life the subject of painting. Flowers and fruit had, of course, appeared enchantingly in many Renaissance pictures. But they were always subservient to the figures who provided the image with its dominant meaning.

Such a prejudice did not deserve to last. As Caravaggio proved when he painted a consummate *Basket of Fruit* around 1595, a cluster of grapes, peaches and leaves could engage the eye just as intensely as a religious scene. It might, in fact, bring refreshing relief to viewers sated with biblical images. Besides, aspiring still-life painters could point to classical precedents. Although the Greek and Roman easel pictures were all lost, everyone relished Pliny's story about the birds flying down to peck at the grapes in Zeuxis's skilful painting.

By 1600, the battle to free still life from its humiliating limits had been won. And nowhere more resoundingly than in Spain. The first exhibit in the National Gallery's spell-binding survey of Spanish still life was probably painted that very year, and it is among the most haunting images on show. We find ourselves looking in at an illusionistic window-frame. It might be the entrance to a larder, but Juan Sanchez Cotán does not make it easy to identify. Instead, he concentrates all his considerable finesse on the fruit and vegetables displayed there.

Two of them, a quince and a cabbage, are suspended above the ledge. Each dangles from a length of string like the victim of a public hanging, and the melon resting on the ledge nearby has already been sliced open. The pale pink flesh will soon dry up, but for the moment its allure remains. Cotán even ensures that the single slice of melon along-side projects over the front of the ledge, inviting us to seize it. So does the cucumber, and one purpose of this canvas is to relish the pleasure inherent in the simplest food.

Hints of a graver purpose cannot be ignored, though. With astonishing severity, Cotán has left most of the

background dark and void. Its blackness seems bent on reminding the viewer that extinction awaits even the most robust of the larder's occupants.

Caution should prevent us from going too far in a search for profound significance (one zealous historian saw Cotán's simple *Still Life with Cardoon and Carrots* as a symbol of the fall and four nails, the instruments involved in Christ's Passion). It would be a mistake to overload these limpid images with elaborate religious interpretations, and yet their strength of feeling cannot be denied. After all, in 1603 Cotán himself became a lay brother of a Carthusian order and virtually abandoned painting. A strain of mysticism runs through his work, deepening his secular relish

of nature and, in particular, subjects clearly allied to the vegetarian rule of the order he would join.

To judge by the mediocrity of Cotán's figure paintings, he was well advised to concentrate on still life. Velázquez, however, could never abandon his central involvement with humanity. Even in an early kitchen scene, where prominence is given to fish, eggs, onions and peppers, they are dominated by the chubby, discontented figure of a young woman. The source of her surliness is glimpsed through a serving window, where Mary and Martha attend the seated Christ.

But their puppet-like forms are far less commanding than the fish below. Laid out like sacrificial offerings, they look expectant and fearful even in death. As for the eggs, their oval whiteness sounds an invigorating note against the blackness of the dish beneath.

Velázquez was equally adept at defining the lustre of a frying yellow yolk in his superb *Old Woman Cooking Eggs*, an astounding performance for a 19-year-old. But however powerfully he defined the metallic sheen of a pestle and mortar, the wine staining a jug's ribbed flank or the reflected light piercing the glass decanter held by a boy, his fascination with people persisted. Appointed painter to Philip IV five years later, he won this exalted patronage as a supreme exponent of portraiture.

Sacred stillness gives way to agitated emotions



"No comfort can be found here, just as he provided no reassurance in his contemporaneous *Disasters of War*": the harsh reality of *Still Life with Dead Turkey*, by Goya

But if still life was reduced to the level of incidental flowers in Velázquez's later canvases, it flourished elsewhere. Sometimes, eager to brandish their illusionistic prowess, Spanish artists cluttered their pictures with an excess of flora and fauna. In Castile, Juan van der Hamen y León dazzled patrons with his virtuoso renderings. One of his paintings seems determined to rival the legendary skill of Zeuxis: birds swoop down hungrily on the fruit heaped in a bowl, and vie with each other as they peck at the peaches and grapes. Van der Hamen could, however, end up with congested images, and several lesser artists are still more guilty of crowding their pictures with oppressive cornucopias.

That is why Zurbarán seems so miraculous. His masterpiece of the genre, the glowing *Still Life with Basket of Oranges*, has sadly not been lent from California. But partial amends are made by the Prado's later, softer *Still Life with Four Vessels*. Nothing could be more austere than their simple arrangement, in a straight line, on a plain wooden surface. Zurbarán lets each of his four vessels occupy its own space. He encourages us to savour their singularity, isolated against a backdrop as dark and unfathomable as Cotán's half a century before.

Even more resonant is the little canvas lent from the Lord Clark family collection. Consisting solely of a cup of water and a rose on a gleaming silver plate, this potent image is likely to symbolise the purity of the Virgin. Above all, though, the painting offers a revelation of the grandeur and strangeness inherent in even the most everyday objects. By focusing on so little, and endowing it with a heightened, luminous significance, Zurbarán shows how revelatory a modest still life can become.

As the exhibition develops, this sacred stillness gives way to more agitated emotions. In one of the most sumptuous canvases, Antonio de Pereda shows a winged figure presiding over a magnificent array of objects. None will avail, however, in the moment of death. Skulls proliferate on a book and seem about to bite into its cover. They make the accumulated riches appear futile, and the angel holds up a cameo of the Emperor Charles V, who abdicated all his thrones and prepared to die in a monastery.

As if in reaction to the gloom of *Vanitas* pictures, painters in Madrid began to glory in ever more intoxicating flower-pieces. Juan de Arellano is their most orchidaceous master, and his bravura cannot be denied. Even so, the unbridled lushness soon

grows stifling. One bouquet follows another, and their glossiness becomes unbearable.

That is why Luis Meléndez is so welcome, with his 18th-century reassertion of rigour and solidity. In one hypnotic painting, he gives his sea bream a wild-eyed melancholy which approaches the tragic.

At the end of the final room, Goya goes much further. Impatient with the platitudes and pretiness of still-life formulae, he closes on fish ditched unceremoniously on a beach and left to die. His handling is brusque and summary, scorning the polish of the flower painters. A dead turkey sprawls against a basket, neck broken and upturned wings caught in the moment of extinction. No comfort can be found here, just as Goya provided no reassurance in his contemporaneous etchings of the *Disasters of War*.

The humps of sheep's carcasses littering the charnel house in his most remorseless exhibit are raw and abject. The animal's severed, blood-clogged head seems to stare at us with its doleful eye, and we shudder to recognise our own expendability in this cheerless, uncannily modern image of still life as dead meat.

Spanish Still Life from Velázquez to Goya at the National Gallery (0171-639 3321) until May 21

AROUND THE GALLERIES

AT FIRST sight it appears that Melanie Counsell has done very little to Matt's Gallery. The installation could easily encourage visitors to panic about wasted journeys and rooms with nothing in them, until the nature of Counsell's simple intervention reveals itself.

There are no clues, secrets or hidden signs. She has simply brought the ceiling down a number of feet and covered it with a crumbling sponge of brown soft-board. This addition induces a state of extreme self-consciousness and encourages a solitary, muffled form of contemplation.

A sepia gloom extends across the concrete-covered expanse but suddenly lets up at one end, stopping short of the window that looks over the canal.

Matt's Gallery 42-44 Copperfield Road, London, E3 4RR (0181-983 1771) until March 19

□ The expansive walls at Chisenhale Gallery are currently empty except for two huge black and white photographs which run at right angles to each other. The photographs, which were taken by Hannah Collins on a visit to Poland, are presented unframed on slightly discordant strips of photographic paper.

The picture on the left could show makeshift housing or roadworkers' huts, moulded out of earth, broken saplings and plastic sheeting. The other image is of a snowy corner with a road going off to the right and iron gates indicating a

drive and house to the left. The first is a central view while the latter appears more arbitrary in its attention.

Although Collins depends on the way we bring our imagination to bear on even the most mundane black and white picture, she still shows too much distance and reserve in her approach to the imagery, and too strong a reliance on the physical manner of reproduction to make the experience worthwhile.

Chisenhale Gallery, 64 Chisenhale Road, London E3 5QZ (0181-981 4513) until March 12

□ Zebedee Jones brushes and smears a substantial quantity of same-coloured oil paint on to his canvases. Five large, solid, paintings make up his one-person show. Although much monochromatic painting might tend towards the minimal and mechanical, these works are saturated with references to nature. The colours are the impenetrable opaque greys, blues and greens of the North Sea or Irish Sea. The volume of the very thick paint is emphasised by the rough and uneven residue left at the sides of the painting's surface. The face of the canvas carries a shallow illusion of watery depth.

The physical reality is reinforced, however, by the swelling oily surface. Karsten Schubert Ltd, 41-42 Foley Street, London W1 (0171-631 0031) to March 25

SACHA CRADDOCK

Backing horses for courses

Giles Coren on an artist whose view of modern Britain takes a variety of often surprising forms



Photo-finish: Mark Wallinger's 1994 self-portrait as the suffragette Emily Davidson

you were at the bottom of the pile it was your own fault. So I painted them in oil, a medium reserved for portraits of society's empowered members — and I used my friends as models, because I could not have painted real homeless people without demeaning them."

Photographs of himself with crude racial characteristics graffitied over them, entitled *Passport Control*, and a photograph of a football crowd in which Wallinger holds up a huge Union Jack with his name emblazoned on it, speak for themselves, and for respective aspects of Englishness.

Separating public and private subjects in his work gave Wallinger a double agenda. *School* is a series of perspective pieces, rendered on wall-size blackboards in chalk — and with a hole at the vanishing point through which a lightbulb shines. Changing rooms, classrooms, an empty assembly hall ("I was buggered if I was going to draw all the chairs"), have a dream-like quality and were, indeed, inspired by Wallinger's dreams of the

school where he developed his distaste for institutional life.

"For honesty's sake I had to tackle personal memory, but things like *Capital* tackled wider issues, and were intended to generate some debate." He continued to generate debate with a series of pieces centred on horse racing — which mixed his public and personal obsessions. "The more I thought about the racing world — the breeding, the adrenalin rush of the race, bookmaking, the class structures it solidifies — the more it seemed like a useful device to investigate things I had done in other ways before."

Titles are crucial here. Head portraits of a selection of thoroughbred horses become something quite different when captioned *Race, Class, Sex*, and different again when considered in the light of *Race, Class, Sex II*, a video installation in which three separate sections of the Goodwood crowd, from the jellied eels enclosure to the most pukka punters, are filmed simultaneously during a race.

The union of art and racing reached its apogee with *A Real Work of Art*, a thoroughbred horse which the artist bought, named and raced. Challenged on its validity as art, Wallinger

tried, he says, to find a pithy phrase.

"First I tried the old line, 'It is art because I say so', but that didn't seem too impressive." Nor is this Duchampian patter representative of Wallinger's method, though a huge horse, which ran from the basement of a gallery in London through the building and out into the street through a hole in the window, was entitled *Fountain* (a reference to Duchamp's infamous urinal of 1917) and played with the "readymade" tradition.

His second attempt to justify *A Real Work of Art* to sceptical critics was more typical: "she

is the best and most realistic representation of what she is that you'll ever find." Ideas of representation fascinate Wallinger — he chose the colours of the suffragette movement for his own racing silks. And he dressed up in them to pose for a photograph at the point on the Epsom course where Emily Davidson threw herself in front of the King's horse in 1913.

For all his experimentation with materials, and his aversion to critics "who think something went terribly wrong around about Cézanne", his realistic painting is convincing. A series of horse portraits (with a twist) entitled *Half Brothers*, is displayed for the first time at the Ikon and provides ample answer to critics who lament the passing of art as a show of manual dexterity.

"When I was at Chelsea [School of Art] you were seen as an eccentric or backwoodsman if you didn't follow some post-expressionist creed. But I have always tried to do both. I still enjoy hearing people say 'ooh, that looks just like a horse'."

"In the 1980s people were being taken on straight out of art school and having to develop a signature style very quickly. I had a bit more time before anyone showed any interest, so I could be dictated to by the subject. I never sat there and thought: 'Oh well, I'm a painter, what shall I paint today?'"

Mark Wallinger is at the Ikon Gallery, John Bright Street, Birmingham (0121 643 0706) until April 1, and at the Serpentine Gallery, Kensington Gardens, London W2 (0171 402 6075) from May 10 to June 11

Royal Academy of Arts

Piccadilly, London W1



The Palladian Revival

Lord Burlington and his house & garden at Chiswick

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You have sponsored a dolphin, you have got yourself an Elefrend — now adopt a real, live opera singer. It's £100 a month for coaching and £250 to send one off on a music course. For £1,000 you can really get to know one of your own.

English National Opera has never been above the direct approach. Remember the days of the gaunt, grey-suited Peter Jones rattling buckets in St Martin's Lane? Since then the company has invited its audiences to sponsor an opera (*Mr Broucek* and *Lady Macbeth of Mtsensk* in 1991-92) and to sponsor new productions (£250,000 raised in four months in the "New Stages" appeal). Now the cry has gone out to "Uncook an Opera Singer".

Twelve new contract principals are wanted before the end of 1996 to strengthen the

An ENO initiative for nurturing the stars of tomorrow has struck a chord with sponsors, Hilary Finch writes

Mint your own crisp new tenors (and sopranos)

wards points out that 230 roles have to be cast every year — and that means 230 understudies as well. But will their problems be resolved merely by increasing numbers? Janet Baker, one of the scheme's most staunch supporters, says it is more a question of buying time. "If specific funding is allocated for the development of new young singers, careers can be planned in the longer term, and with more care."

"Unlike violinists or pianists, singers can only begin to learn their instrument at the age of 18. And when they graduate from college, they are simply not ready for the mental and physical pressure of professional life. The start of their career is an incredibly vulnerable period. Resources like this will help to put a hedge of protection around these young singers."

Edwards, too, equates the availability of greater numbers of singers with more time. "At the moment there's very little slack — every singer is working so hard that there's no opportunity to give anyone time off to think about what may be involved in taking on a role, or perhaps to make a voice change, if they realise they're a mezzo rather than a soprano."

This, though, still seems to be talking in the abstract. How can donors be sure their money will be tightly targeted?

understudy contracts will be reserved for young British singers.

The success of the appeal shows that it has touched one particularly sensitive audience nerve: the one that wants to bond. Donors may not get a photograph and a certificate of their sponsored singer for the kitchen wall; but, after a phase of having their attention focused on the more cerebral virtuosity of production, they are being given permission to focus once again on personalities.

Again, the extent and details of this intimate knowledge remain unclear. It could mean peeping in at rehears-

als, attending a recital or two, sharing wine at a reception, receiving a monthly progress report. Or simply the buzz provided by pure, unadulterated altruism.

One audience member has been wooed back from a period of truancy at Covent Garden by the thrill of being able to be involved personally in the welfare of the young and the relatively unknown. While neither singers nor audiences know exactly what they are letting each other in for, Baker insists they owe it to each other.

"Personalities are part of the deal in music as in sport," she says. "Singers want to be loved, you know. And, yes, they have a duty to give something back to their supporters in ordinary social terms. I only wish other companies would follow ENO's lead."

A step towards new heights

DANCE: The choreographer of *Cats* has devised a new, full-length ballet about the Brontë family. Allen Robertson reports

Gillian Lynne's blue eyes grow round as china-doll circles. "Money? I have never, ever in my life done anything for the money." Even so, *Cats* and *The Phantom of the Opera*, her two most popular successes as a choreographer, are both well on the way to becoming record-breakers. On Broadway and the West End alone, this pair of Lloyd Webber blockbusters has already earned Lynne a total of 42 years' worth of royalties — and that's not counting the scores of other cities where the shows continue to ignite box offices. Once it is all totted up, the only other person alive who has been so lucratively rewarded by making dances is the American Jerome Robbins (*West Side Story*, *Gypsy*, *Fiddler on the Roof*).

"I've been in the business a long time before *Cats* happened," Lynne explains. "Believe me, I knew what it was like to work for a lousy salary, so, you see, I've really never been able to get used to the notion that I can actually go into any shop and say 'Right, I'll have that, thank you' and not worry about what it costs. My bank balance has changed, but my life hasn't. I'm still in the rehearsal room all day."

Now she is rehearsing her first full-length ballet, *The Brontës*, which has its world premiere on Monday with Northern Ballet Theatre in Leeds. A couple of years ago, when Christopher Gable, Northern's artistic director, asked Lynne for a ballet, she suggested an idea that she thought would be perfect for the Halifax-based company: *Wuthering Heights*. Gable was enthusiastic, but as they started discussing it they found their interest shifting to the novel's creator, Emily, and her eccentric, inspired and unorthodox family.

What Lynne and Gable have finally come up with is the story of Patrick Brontë, a minister who found himself a widower with six young, very brainy children who were destined for fame — Emily with *Wuthering Heights*, Charlotte through *Jane Eyre* — or notoriety. Branwell, the only boy, started out promisingly, but eventually was trapped in an opium-induced web of self-pity and destruction. Their father was to bury them all.

"But *Wuthering Heights* is still there," says Lynne. "Cathy and Heathcliff are still in it." Their impassioned pas de deux features a typically clever bit of Lynne staging. She makes it seem as if the lovers are not just growing out of Emily's

imagination, but materialising out of Emily's own body.

"All my career I have been interested in the underdog, the person who has to fight against circumstances in order to get through. I think that has something to do with the fact that I myself feel I'm not really doing anything if I don't pit myself against the odds. If I can do it easily it must be a bit of a cop-out. That's pathetic, isn't it? I realise it's pathetic as I say it, but that's the honest truth."

Does this have anything to do with her past? "Well, I wanted to be a ballerina, but that didn't come off [though she danced major roles at Sadler's Wells while a teenager]. Then I wanted to be a musical comedy star, and that didn't quite

“To become a choreographer was never really part of my plan”

come off [though she did play the lead in a West End production of Cole Porter's *Cat on a Hot Tin Roof*]. But what I didn't plan ever was to be a choreographer."

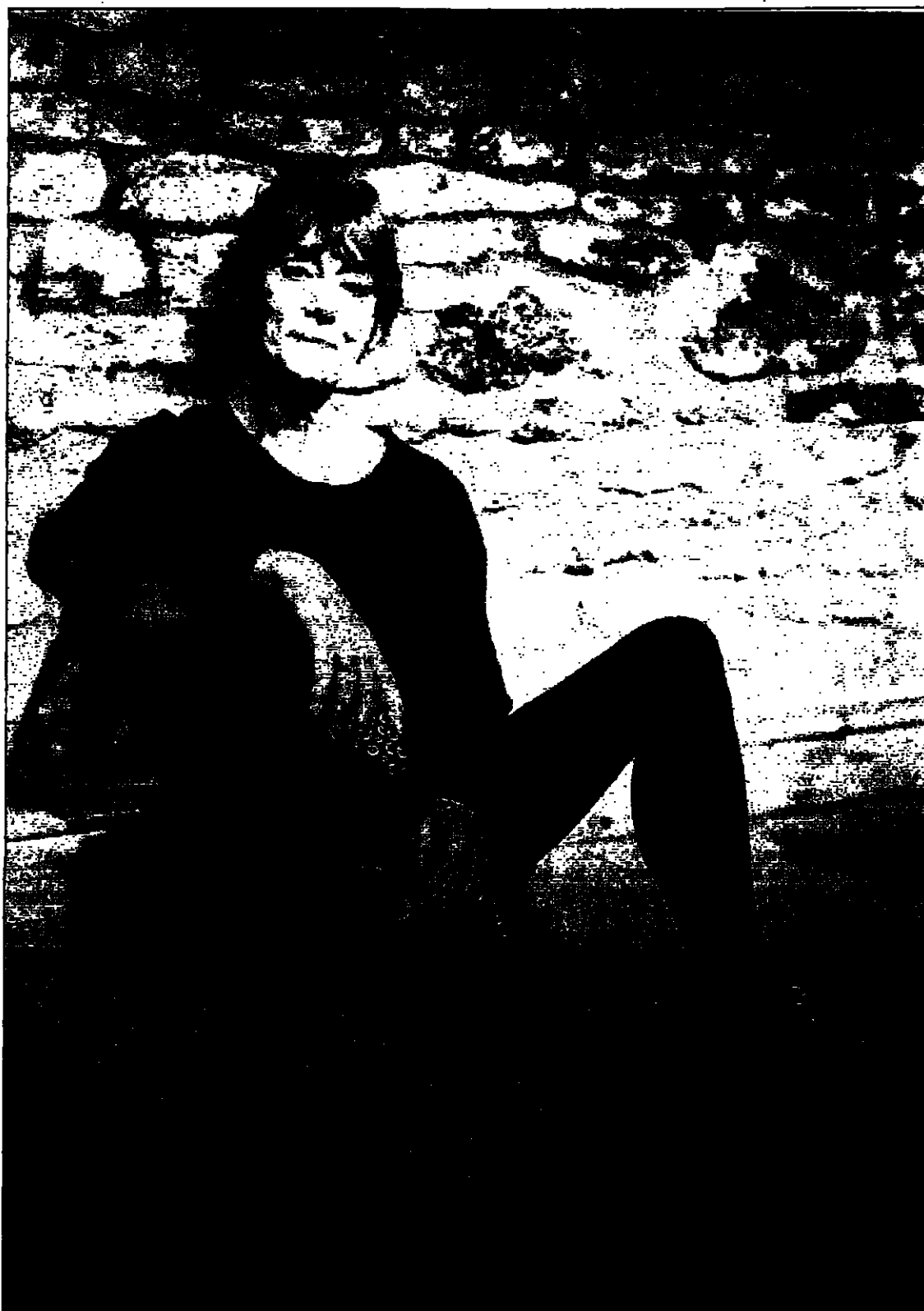
Nor is she entirely happy at being categorised as just a maker of dances. She much prefers being closely involved in all aspects of a produc-

tion, which is what she is doing with her other current show. It is a Broadway-bound musical she is devising and directing with the composer Burt Bacharach. She describes it as "a hip, urban update of *Snow White*" — about as far as you can get from a ballet about repressed Victorian obsessions on the Yorkshire moors.

"It's great to be working with someone who is not Andrew," she says. "He is wonderful, of course," she hastens to add, "but then so is Burt. If any one writer sums up his generation it's Burt."

So far they have made it through Act 1. As soon as *The Brontës* is on the boards they will get down to work on the second half. If everything sails along there is a chance the show could open on Broadway before Christmas. "Backers are falling all over themselves to do this with us," Lynne coos, "but we keep saying 'Not yet. Give us time to get it really right.' I think it probably will be there by the spring of 1996."

Just in time for the Tony nominations? Well, she does not have one of those Broadway statuettes as yet, though the Lynne mannepiece does feature four Oliviers plus a Baffa Award for *A Simple Man*, her first work with Northern Ballet Theatre. She conceived and directed this dance drama about the painter L.S. Lowry specifically for television and put it on stage only when it became clear it was going to be a hit. With *The*



Gillian Lynne: "*Wuthering Heights* is still there. Cathy and Heathcliff are present in *The Brontës*"

Brontës the process will be the other way round. "Unless I make a real dog's dinner of it, and quite honestly I don't think I have, I'll be setting it for television some time later in the year."

"I think I am good with cameras. That's not meant to sound egotistical, because truly I'm not someone who thinks the name Gillian Lynne should inspire awe, but I have done six television programmes as a director [to say nothing of her three-

year stint working with Jim Henson and his Muppets] and I've won big awards for two of them. So I must be doing something right."

She would love the opportunity to direct a big musical film, but despite the fact that she choreographed *Yentl* for Barbra Streisand, as well as teaching Sophia Loren and Peter O'Toole to dance for *The Man of La Mancha*, Lynne does not think anyone in Hollywood is going to

hand her full responsibility for that kind of multimillion-dollar project.

That's partly because "I'm a woman." No, the sixty-something choreographer says, "it's because I'm an old woman. The people who run Hollywood are youngsters who keep getting younger."

● Northern Ballet Theatre's *The Brontës* opens at the Grand Theatre, Leeds (0113 245351) on Monday, before going on a BT-sponsored tour until late June

CHAMBER MUSIC FESTIVAL

Blessed are the modest

The very idea of transporting an entire festival from one country to another seems slightly preposterous. The logistics of gathering together the same musicians in a different place at a different time would daunt any but the most determined. But Philippe Graffin, the director of the Festival of St Nazaire, and the Wigmore Hall's artistic director William Lyne know a winner when they see one.

The great Belgian violinist Eugene Ysaÿe inspired the composition of much fine music and wrote some pretty adventurous stuff himself. And it was Ysaÿe, together with the composer and pianist Ferruccio Busoni, who gave the opening recital at the Wigmore (then the Bechstein) Hall in 1901.

There was another point to the week's music-making: "Ysaÿe and Friends" was dedicated to another great violinist, Josef Gingold, who studied with Ysaÿe and taught many of our finest, and who died at a ripe old age earlier this year.

Among Gingold's pupils was Joshua Bell, whose participation in the concerts on Thursday and Friday helped to turn those two events into special occasions. Like many, Bell was exposed to the world at a dangerously early age and might easily have been eaten mercilessly by the same media machine that has robbed us of the talents of Nigel Kennedy and is currently engaged in selling to the great and glib public the questionable attributes of Vanessa Mae.

But Bell has withstood such pressures. He is a musician of absolute integrity, and his playing, always technically superb, has over the past couple of years developed the same deeply spiritual quality as that of the cellist Steven Isserlis.

He regularly partners Isserlis and did so again on Friday, together with Graffin and the viola player Diemut Poppen, in Debussy's String Quartet.

This was a very special performance. No over-eager egos spoil its balance; instead the actions and reactions of each player were wonderfully alive to moment and context, as though the group had been playing together for decades.

Even so, one particular moment stood out, a single, simple solo cello phrase in the slow movement. Outwardly, Isserlis seemed to do nothing remarkable with it, but its

Ysaÿe and Friends
Wigmore Hall

shape and weight and spirit achieved a miraculous perfection that compelled us to listen as participants rather than witnesses.

It was that same spirit that endeared the audience to Henri Duparc's curious Cello Sonata of 1867, newly unearthed for the occasion, and Ernest Bloch's Cello Sonata of 1897 (another premiere), given with Pascal Devoyon's sensitive support at the piano. Neither piece ranks as his composer's greatest achievement, both exuded warmth and character.

Meanwhile Bell showed his most sensitive, aromatic playing in Chausson's *Poème*. Op



Joshua Bell: a model of disciplined artistry

25, another work dedicated to Ysaÿe, accompanied positively by Frederic Chiu. Alone, he dispatched Ysaÿe's own Sonata No 3, Op 27, with remarkable skill. Even perilous triple-stoppings were perfectly tuned; nothing was scamped or scratched at. It was a thrilling exhibition, the more so for the player's modest mien.

Again with Chiu, Bell enjoyed himself immensely with Grieg's ripe Violin Sonata No 3 in the previous evening's concert, which had also included premieres of Ysaÿe's modest Serenade Op 22 and Meditation Op 16 for cello (Truls Mørk) and piano (Christian Ivaldi) and which ended with a luscious account of Fauré's Second Piano Quartet by Mørk, Poppen and Graffin and the pianist Kathryn Stott.

STEPHEN PETTITT

OPERA: A different kind of Marschallin

Touching in her autumnal fling

HARD to imagine two Marschallins more sharply contrasted than Felicity Lott and Anna Tomowa-Sintow, who currently share the role at Covent Garden. Lott was sweet and half-mocking, as Rodney Milnes described after the first night. Tomowa-Sintow opts from the start for a lady whose fints are distinctly autumnal and whose mood is one of resignation.

For a long time Tomowa-Sintow was Karajan's favoured Marschallin at Salzburg, but this is her first appearance in the part in London. The reaction that she comes too late to it would be both superficial and false. Tomowa-Sintow has geared the interpretation very carefully to her present capabilities. In doing so she has created a *grande dame* whose inner sadness dominates Strauss's opera and has changed the whole flavour of the revival.

In Act I this Marschallin is less rejuvenated by her teenage lover than somewhat worn out by him. Tomowa-

Der Rosenkavalier
Covent Garden

Sintow's tone was almost conversational and her German not always distinct. She was only biding her time for the act's closing reflection on Marie Therese's youth, her impending old age and the implacable passing of the hours. Here Tomowa-Sintow gripped the house with a Marschallin steeped in her own thoughts and not caring too much about the world outside. The shadows were already cast for relinquishing Octavian in the last act.

Tomowa-Sintow took the beginning of the final trio cautiously before, front stage, letting her soprano well out into the house. The farewell to Octavian was a hand stretched out behind her, no backward glance. After all she had forgotten to kiss him earlier in the day. Lott implied that there were plenty of Octavians around the corner.



Kurt Moll (Ochs) and Anna Tomowa-Sintow (Marschallin) in *Der Rosenkavalier*

Tomowa-Sintow suggested that this could well be the last. Kurt Moll, a regular Salzburg partner in *Rosenkavalier*, is the most refined of Ochs's, no provincial dung adhering to his boots. He leaves that to his motley servants. His bass, like the hair on Ochs's crown, may be

thinning a bit on top, but the lower register remains glorious. A huge improvement on the disappointing Aage Haugland. Ann Murray, who stepped into the breach as well as the breeches for Anne Sofie von Otter on opening night, repeats her exuberant, puppyish Octavian and Barbara

Bonney remains a Sophie any young Count would be glad to have at home. Andrew Davis now has a much firmer grip on the orchestra and goes along with Tomowa-Sintow's lyrical and mellow approach.

JOHN HIGGINS

ORATORIO: The Tippett festival ends with a problematic epic

Anarchy behind the mask

ONE week after the premiere of *The Rose Lake* — Sir Michael Tippett's latest orchestral work — the Visions of Paradise festival came to a grandiose conclusion with the monumental choral work from a decade ago: *The Mask of Time*.

A mere stripping of a septuagenarian when his conception of *The Mask of Time* began to take shape in the 1970s, Tippett consciously planned it as a summation of his lifetime's experience. Trucking once again with the transcendental, the work would deal with "those fundamental matters that bear upon man, his relationship with Time, his place in the world as we know it and in the mysterious universe at large".

If these concerns might seem legitimate for an artist in his twilight years — though the phrase is absurd for someone of Tippett's eternal youth — it is not *The Mask of Time* that most convincingly distills the essence of things, but *The Rose Lake*.

By the side of the latter's sublime meditation, *The Mask of Time* seems dangerously undisciplined. Inspired

LSO/Davis
Barbican

largely by Bronowski's television series *The Ascent of Man*, the work takes in Yeats, Milton, Shelley, alchemy, the splitting of the atom, the Orpheus myth, the I-Ching, and much more. Tippett's own densely allusive text whisks us through them in ten quite short movements.

Vivid characterisation tends to be masked (if the phrase may be excused) by the all too typical awkwardness of the word-setting. The felicitousness of melismas when relevant (on words like "blissful" or "clamber") is nullified by their ubiquitous use, which makes of them a mannerism. As a result, the first of the work's two parts veers from the massively effective (the opening choral shouts of "resounding") to the embarrassing (the puerile onomatopoeia of the "Jungle" movement).

The second part is another matter. The clear structure of *Mirror of Whiteness Light*, with its wonderfully expressive instrumental preludes

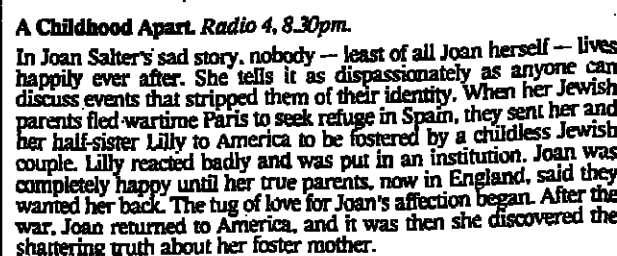
and its final, searing brass chords symbolising the horror of Hiroshima, leads into the Akhmatova setting, *Hiroshima, non amour*, sung with moving eloquence by Faye Robinson. The dissolution into nothingness of the final wordless chorus is also inspired, and the London Symphony Chorus deserve praise for their committed singing.

Maria Popescu, Thomas Randie and Stephen Richardson were the other admirable soloists, and Colin Davis did much to give this anarchically all-inclusive encyclopaedia of a work some coherence.

BARRY MILLINGTON

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in F, Op.10/2
in D, Op.10/3
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The girl who lost herself



McLanahan, left, the Oxford president, and his Cambridge counterpart, Phelps, prepare to do battle for the Beefeater Trophy in the Boat Race. Photograph: Ian Stewart

Spotlight on . . . Jeannette MacDonald. Radio 2, 9.00pm.

in the Hollywood of the Thirties and Forties, no songbird could hold a candle to Jeannette MacDonald. With or without her baritone partner, Nelson Eddy, she was the one singer who made me feel that, with a flicker of her uniquely waxy eyelids, she could turn a song when her movie career went into decline in the 1950s, into a song of when her husband, Gounond, was a splendid boy in telling the story of Michael, a professional life. He has lost out most of the showbusiness title-tide, concentrating on what she did so well (Juliet in Gounond's *Romeo and Juliet*) and so badly (a swinging rendition of *San Francisco* in the film of that name).

Peter Davalle

Both squads are under new management this year. Dan Topolski's return to the Oxford helm after an absence of eight years has been well publicised, as has the move of the former Great Britain coach, Penny Schuter, to the daily coaching of the Dark Blues. McAnahan spoke of "a new sense of professionalism".

Robin Williams, the new Cambridge coach and a London Rowing Club club-mate of Topolski, has proved his worth as a Tideway expert and benefits from the continued part-time involvement of Harry Mahon, now the New Zealand coach, and clearly an instrument in Cambridge's recent revival of fortunes.

British, the 141st Boat Race on April 1 will again have a strong international flavour and 12 of the 19 oarsmen put forward yesterday are foreign. Oxford have just three British on board, and one of these, the past Blue, Boris Mavra, was the first Yugoslavian performer in the Boat Race in 1992

before taking British citizenship in 1993. The others are Robert Clegg, a last-minute inclusion in the 1994 Oxford line-up, and Abbie Chapman, Oxford's coxswain, who, at 4ft 10in, is one of the shortest on record. Oxford are now preparing a polystyrene seat to raise her higher in the boat.

SNOW REPORTS

	Depth (cm)		Conditions Piste	Runs to resort	Weather (°C)	Last snow
	L	U				
AUSTRIA						
Kitzbühel	40	150	good powder	good	fine	3
	(Fresh powder on upper pistes; lower runs much improved)					27/12
Obargungl	55	135	good powder	good	fine	6
	(Superb skiing if a little cold; 21 of 22 lifts open)					26/12
St Anton	100	450	good powder	good	snow	3
	(Near perfect piste skiing after yet more snow)					27/12
FRANCE						
Les Arcs	200	450	good powder	good	fine	3
	(Skiing both on and off piste; 68 of 79 lifts open)					27/12
Avoriaz	315	400	good powder	good	fair	3
	(Excellent off-piste skiing; 36 of 41 lifts open)					26/12
Courchevel	220	350	good powder	good	fair	1
	(Superb snow conditions; pleasing still to be heard)					27/12
Megève	115	350	good powder	good	fine	4
	(Dry powder on and off piste; 39 of 41 lifts open)					26/12
Tignes	255	320	good powder	good	fine	15
	(Powder both on and off piste; avalanche danger)					26/12
SWITZERLAND						
Arosa	120	140	good powder	good	fine	4
	(Sunny skiing at all levels; all 16 lifts open)					26/12
Grindelwald	35	195	good powder	good	fine	0
	(Perfect conditions after fresh snow; 42 of 48 lifts open)					26/12
Mürten	140	250	good powder	good	fair	0
	(Fresh powder on and on off piste)					26/12
Villars	80	300	good powder	good	cloud	3
	(Near-perfect conditions; 22 of 23 lifts open)					26/12

Source: Ski Club of Great Britain. L = lower slopes; U = upper; air = artificial.

Saturday March 4	Tramexes Rowers (Sunday), Westhampstead Wanderers v Portsmouth Wanderers	UNION LEAGUE PRISONER BUSTION 41 Chesham v Basingstoke 42 Maidenhead v Reading 43 Wokingham v Banstead 44 Winkley Bay v Emley	X X X X
usually started			
Coupon No. 18, Entrance, Forecast			
FA PREMIER LEAGUE			
1 Villa v Blackburn	19 Bradford v Chelsea	31 Derby v Buxton	X
2 Arsenal v Ipswich	20 Charlton v Norwich	32 Huddersfield v Lincoln	X
3 Leicester v Everton	21 Cambridge U v Brighton	33 Wokingham v Banstead	X
4 Manchester United v Liverpool	22 Cardiff v Bournemouth	34 Winkley Bay v Emley	X
5 Tottenham v Manchester City	23 Chester v Plymouth	35 Maidenhair v Dunstable U	X
6 Norwich v Man City	24 Hull v Birmingham	36 Parkis v Forest	X
7 Bolton v Ipswich	25 Chelsea v Oxford	37 Maidenhair v Dunstable U	X
8 Man Utd v Everton	26 Rotherham v Peterborough	38 Not on coupons: Celtic v Hibernian v Rangers	
9 Norwich v Man City	27 Walsingham v Basset		
10 Tottenham v Manchester City	28 Wokingham v Banstead		
11 Bolton v Ipswich	29 York v Scunthorpe		
12 Tottenham v Manchester City		SCOTCH SHIRT 49 Ardross v Rath	1
13 Bolton v Ipswich	Not on coupons: Macclesfield v Bradford City	48 Clydebank v Ayr	1
14 Bolton v Ipswich		49 Clydebank v Ayr	1
15 Bolton v Ipswich		50 Dundee v St Johnstone	1
16 Bolton v Ipswich		51 Dundee v St Johnstone	1
17 Bolton v Ipswich		52 Stranraer v St Mirren	2
18 Bolton v Ipswich			
THIRD DIVISION			
1 Bolton v Ipswich	30 Banstead v Torquay	31 Derby v Buxton	X
2 Arsenal v Ipswich	31 Derby v Buxton	32 Huddersfield v Lincoln	X
3 Leicester v Everton	32 Huddersfield v Lincoln	33 Wokingham v Banstead	X
4 Manchester United v Liverpool	33 Wokingham v Banstead	34 Winkley Bay v Emley	X
5 Tottenham v Manchester City	34 Winkley Bay v Emley	35 Maidenhair v Dunstable U	X
6 Norwich v Man City	35 Maidenhair v Dunstable U	36 Parkis v Forest	X
7 Bolton v Ipswich	36 Parkis v Forest	37 Maidenhair v Dunstable U	X
8 Man Utd v Everton	37 Maidenhair v Dunstable U	38 Not on coupons: Celtic v Hibernian v Rangers	
9 Norwich v Man City	38 Not on coupons: Celtic v Hibernian v Rangers		
10 Tottenham v Manchester City		SCOTCH SHIRT 49 Ardross v Rath	1
11 Bolton v Ipswich		48 Clydebank v Ayr	1
12 Tottenham v Manchester City		49 Clydebank v Ayr	1
13 Bolton v Ipswich		50 Dundee v St Johnstone	1
14 Bolton v Ipswich		51 Dundee v St Johnstone	1
15 Bolton v Ipswich		52 Stranraer v St Mirren	2
16 Bolton v Ipswich			
17 Bolton v Ipswich			
18 Bolton v Ipswich			
NOT ON COUPONS: Reading v Watford, Sunderland			
TREBLE CHANCE (home teams): Aston Villa, Nottingham Forest, Barnsley, Brent ford, Cardiff, Charlton, Colchester, Crawley, Wigan, Chesham, East Fife, Grimsby, Macclesfield, Millwall, Notts County, Oxford, Sheff Wed, Stoke, Watford, Wokingham			
DRAWN: Aston Villa, Nottingham Forest, Barnsley, Everton, Wigan			
AWAYS: Everton, Newcastle, Birmingham,			
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TUESDAY FEBRUARY 28 1995

Bruges police fear postponement

Chelsea fans cast shadow over cup-tie

FROM DAVID MILLER IN BRUGES

WERE a commodity's reputation to be judged by the quality of its customers, rather than its designers or manufacturers, some would say football has no hope. At mid-morning here on a cold, damp Monday, two of Chelsea's shabbier, shirt-sleeved followers were to be found two miles out of town at the deserted Olympiastadion, without tickets for the Cup Winners' Cup quarter-final first leg with FC Bruges tonight, asking if the bar was open.

A few hours later, in one of the city's better hotels — good enough, at least, for Chelsea's team — the lift doors opened on the third floor to reveal another couple of supporters. It was, for them, the wrong floor. The language was foul. Considering that these two were approved, ticketed fellow travellers, it is no surprise that many of my older friends down the Kings Road long ago gave up watching Chelsea other than on television.

"It could be a disaster if they don't all go home tomorrow night," a police sergeant said yesterday, reflecting on the fact that more than 70 had already been arrested in Bruges and Ostend more than 24 hours before the curtain rises.

Will the weather permit the match to be played? Conditions are such that it may have to be postponed. The police pray it goes ahead. A delay of 24 hours, or even possibly two days until Thursday, would mean some 3,000 Chelsea supporters, many delinquent, lurching around town abrim with alcohol and without occupation other than abuse, verbal or physical.

The pitch, frankly, having been used for 20 years by two teams, is a disgrace — and that is without any rain. As I write, it is raining. The surface is a squidgy lump of crumbling putty and if one digs down barely a foot — which the

groundsmen were yesterday, to replace areas half the length of a cricket pitch — one reaches the water level. A pond. This is, of course, one of the Low Countries.

With a ground like this, Bruges ought to be banned for longer than Cantona for bringing the game into disrepute. The worst sufferer, however, is the club itself. It has had so many postponements, as this weekend, it does not really know whether it is third in the table, as the newspapers show, or first, or fifth, depending on whether the team wins or loses the games in hand.

Hugo Broos, the manager, was almost morose yesterday as he reviewed the prospects after training with his squad.

Vinny Jones, the Wimbledon captain, has been left out of the squad for the FA Cup fifth-round replay against Liverpool at Selhurst Park tonight despite having completed a three-match suspension imposed by the club.

"Problems? Yes. Chelsea, and the pitch. Every English team is tough to play, strong mentally, still fighting even when they are down. We need to win 2-0, but the rain has been bad and, if the forecast is right, there will be more tonight and it will be difficult for us to win when we must make the running. The surface will help Chelsea." The referee will decide this morning, but UEFA, the European governing body, prohibits a Wednesday evening kick-off because of the clash with the European Cup. Jacques De Nolf, the benign general secretary of FC Bruges, said: "The only blackspot in the history of Belgian football is Gysel. When Rangers of Glasgow were here two years ago, there

was no problem whatever. A lot of noise, which creates atmosphere, but that's good. Yet no trouble."

Ten years ago, the club and the police collaborated in sending letters to over 300 known home troublemakers, saying they were permanently barred from the ground, since when the scene has been hooligan-free, even if some did start frequenting away matches instead.

Bruges needs today's event to be disciplined, to show that the local authorities can handle the situation, because the stadium is a leading candidate as one of the hosts if Holland and Belgium are awarded the European championship of 2000. About 200 local police and 300 national gendarmes will be on duty inside and outside the stadium.

Chelsea supporters — easily identifiable by their hollow swagger, never mind the explosives — will be screened for tickets on all approaches. Those without will be about-turned and marched towards the nearest boat. Chelsea took 2,160 tickets, but the situation is complicated by the fact that there are forged tickets circulating for a Belgian section of a stadium holding 18,000.

"We haven't room for another half-dozen, whoever they are," De Nolf said. Despite precautions, the police expect some 500 ticketless Chelsea hopefuls to try to reach the stadium.

Team changes, given the sombre mood surrounding the match, seem peripheral. Kharine, the Chelsea goalkeeper, will have a fitness test and, if included, will oblige Glenn Hoddle to omit two from Clarke, Johnsen, Burley and Spencer: probably Clarke, who is also injured, and Burley, now that Wise returns after suspension. It will be a further problem for Hoddle, the manager, to grapple with after the trip to Belgium was delayed by a fault with the team's plane. An alternative aircraft had to be found.

Fans arrested, page 4
Inter's plans, page 40



Warren, left, the promoter, answers press questions with Morris, the BBBC secretary, centre, and his deputy, Simon Block

Board may ban TV interviews in ring

Srikumar Sen hears plans to protect boxers and stop the type of unacceptable scenes at the end of the Benn bout

THE British Boxing Board of Control may once again stop television interviews with boxers being held in the ring immediately after a contest. John Morris, the secretary of the board, said yesterday that he would not be surprised if such a ban were one of the recommendations of an independent working party looking into ways of improving the safety of boxers.

The policy of keeping interviewers out of the ring while four doctors were tending McClellan after his collapse when the fight had been stopped in the tenth round.

Morris added that once Newbon realised what was going on in McClellan's corner, he left the ring. Morris picked out the entourage of American boxers as being the worst offenders for crowding the ring immediately after a bout. Referring to boxers brought over by Don King, the American promoter, Morris said: "The worst problems we get is with some of these American fighters over here, boxers he [King] promotes. You get his [King's] men orchestrating the whole thing and that to my mind should be

stopped and must be stopped." Morris dismissed as nonsense claims that the board had ignored recommendations of the working party. "We can't consider them until we get them," he said. "When we get them we will have a meeting of the area chief medical officers."

He said the board was even prepared to look at the idea of weighing in a week before a bout to avoid the dangers of dehydration of boxers trying to make weight limits. Frank Warren, the promoter, did not believe, however, that early weighing in would work as it would be to the disadvantage of boxers who were not having trouble making the weight.

Morris also said attempts would be made to see that the referee spoke the language of the boxers. Doubts were expressed by ringside observers on Saturday on whether the French

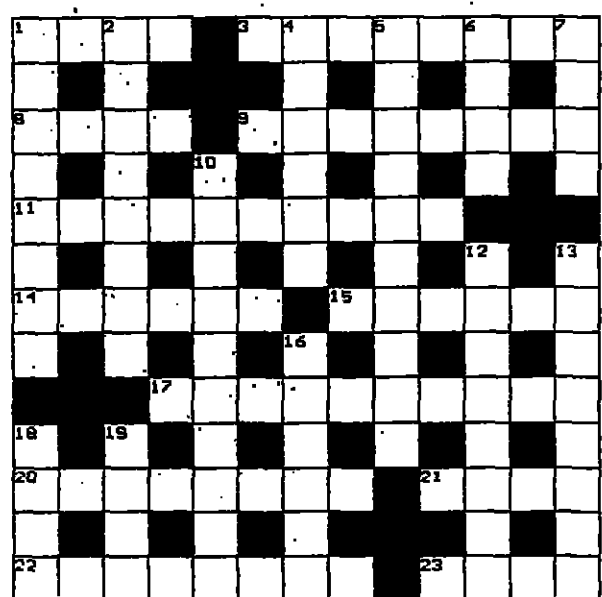
referee, Alfred Azaro, understood what McClellan was trying to tell him after a clash of heads with Benn in the ninth. Azaro said yesterday that McClellan did not give the impression of being in trouble until the tenth. "If I had felt that one boxer was in trouble I would have stopped the match," Azaro said. "None of them complained to me."

According to Morris, a world medical ruling body was needed. "On the medical front, the events here and other places highlight the need for a boxing commission to control the basic elements of regulations," he said. "Boxing needs a Fifa. The commissions of the world should get together and adopt one universal standard of safety so that we can have standard rules and standard medical regulations."

Benn has not yet decided whether he will continue boxing. The decision will rest on McClellan's recovery, his manager, Peter DeFreitas, said. Benn leaves for Los Angeles today.

Family arrives, page 8
Leading article, page 17

TIMES TWO CROSSWORD



No 407

ACROSS

- 1 Surrender (4)
- 3 Information given in response (8)
- 8 Dumbshow; Wagnerian smith (4)
- 9 Helmsman (8)
- 11 Out late roistering (2,3,5)
- 14 Pasta; fool (6)
- 15 If not, there will be trouble (2,4)
- 17 Out of a tight corner (3,4)
- 20 Way of the World playwright (8)
- 21 Bad habit; deputy (4)
- 22 In which the disgraced sit (8)
- 23 Small street; cries like cat (4)

DOWN

- 1 Enclosure; combination (8)
- 2 Reduction of rank (8)
- 4 Excitingly foreign (6)
- 5 Drain of courage (10)
- 6 Absent (4)
- 7 Sharp twist in hose, wire (4)
- 10 Wild West stagecoach company (5,5)
- 12 Tooth-preserving chemical (8)
- 13 Impetuous (8)
- 16 Cornish artistic centre (2,4)
- 18 Race (of clouds); Russian missile (4)
- 19 Cosy (4)

SOLUTION TO NO 406

ACROSS: 7 Fit as a fiddle 9 Espionage 10 Dread 11 Tyne 12 Penumbra 15 Glee club 17 Hark 19 Taboo 21 Foreign 22 Enthusiastic
DOWN: 1 Disperse 2 Radar 3 Gamete 4 Find out 5 Edge 6 Send packing 8 Get-together 13 Beatific 14 Eclogue 16 Unfair 18 Frisk 20 Bute

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Wales prop fails to win reprieve

BY DAVID HANDS
RUGBY CORRESPONDENT

BOTH the action taken and the punishment awarded during rugby union's five nations' championship meeting between Wales and England earlier this month, when the Neath prop, John Davies, was dismissed for kicking, have been approved by the International Rugby Football Board's (IRFB) appeals committee — albeit by a majority only.

Davies was suspended for 60 days by the five nations' disciplinary committee and that sentence will stand. However, his going created a situation uncharacteristic in rugby union law when, for safety reasons, Wales sought to bring on a replacement for the specialist position in the front row that Davies occupied.

Didier Mené, the French referee, permitted another Welsh player, Hemi Taylor, to leave the field so that Huw Williams-Jones could replace Davies. That course of action has been upheld, again by a 2-1 majority, so that the referees have a precedent for reference, though the issue (which involves a law change) will be discussed next month by the IRFB's annual meeting.

Meanwhile, representatives from Bath, the league champions and holders of the Pilkington Cup, are to appear before the National Heritage Committee at the House of Commons on Thursday to offer their views on the relationship between rugby union and rugby league. The debate, an initiative of Iain Sproule, the Minister for Sport, also involves Wigan, rugby league's

SEMI-FINALS

Harlequins v Bath
Leicester v Wasps
PILKINGTON SHIELD: Saracens v North
Rugby v St Albans; Queens (Rugby) v Kingsbridge
All five to be played on April 1

leading club, and Ian Birkby, a former league player who has been seeking permission to play rugby union with Wiltshire for 18 months. A week later, representatives from the Rugby Football Union, the Rugby Football League and the British Amateur Rugby League Association will also meet the committee.

Bath have been drawn against Harlequins in the cup semi-finals on April 1, a repetition of their breathtaking

game last year when they scraped home 26-25. The other semi-final will match Leicester with Wasps, creating the possibility of a Bath-Leicester final for the second year running.

Should that happen, as many as 13 members of England's World Cup squad could be involved, ten days before departure for the tournament in South Africa. While Bath will be heavily favoured to win at the Stoop Memorial Ground (they have yet to lose to Harlequins in league or cup), Leicester may have visions of their last cup meeting with Wasps.

That was in 1991 at Welford Road when they were judged to have dropped a scrum in injury-time and Rob Andrew kicked the penalty which gave Wasps a 15-13 win.

Break point for Martínez and coach

BY STUART JONES, TENNIS CORRESPONDENT



Martínez lost form since Wimbledon triumph

CONCHITA MARTÍNEZ has parted company with Eric van Harpen, the coach who guided her to the Wimbledon singles title last year. Until she finds a suitable replacement, she is to be assisted by her friend, Gigi Fernandez, a beaten semi-finalist in July.

Van Harpen feels that Martínez, whose form has gone into a downward spiral, is being adversely influenced by a fellow competitor. Since beating Martina Navratilova so memorably in the Wimbledon final, Martínez, 22, has appeared distracted and lacking in concentration, the principal source of van Harpen's irritation. Her record on court has been poor.

At Brighton in October, the Spanish player was involved in controversy over her plans

to attend the wedding of van Harpen, her coach of two years, in Lucerne during the tournament. Martínez had agreed to take the place of the injured Steffi Graf as the top seed on condition that she and Fernandez could fly to Switzerland, and back if necessary. A private jet was hired, at a cost of £5,000, so that her wish could be granted.

However, she was beaten by Larissa Neiland, a player ranked 44 places below her in the world. On advice from her agent, she agreed to cancel the jet and flew instead by commercial airline as there was no need to return. Fernandez had been knocked out the previous evening.

The third seed in the US Open the previous month, she had been eliminated in the

third round. After Brighton, she lost in the first round of her next two tournaments, at Essen and Philadelphia. In both she was the top seed. She survived only one round of the Virginia Slims championship and, although she reached the semi-final of the Australian Open last month, she then took only four games off Mary Pierce.

Martínez appeared to be stepping out of the shadow of her compatriot, Arantxa Sánchez Vicario, when she became the first Spanish woman to become the Wimbledon champion. In the company of Fernandez, she has since regressed. José Higueras, the respected Spanish coach, has declined an offer to help Martínez because the travelling would be too extensive.

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